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ABSTRACT

Only 20 percent of high school students in New York City experienced an integrated education in 1985. The Board of Education, in 1976, implemented a policy which designated some high schools as targets for maintenance of 50 percent white student populations. Since this policy was enacted, the proportion of white students in the total school population has dropped significantly. The whites that are left in the system are enrolled mostly in the 20 targeted schools while the other 76 high schools have become increasingly more segregated. At present the targeting policy is unconstitutional since the education for minorities who do not attend these "protected" schools is not of comparable quality with the education of those who do. The education of minority youngsters is deteriorating as they are assigned away from the schools offering better conditions of education and better educational opportunities. The policy must be evaluated now to avoid charges of intentional race and ethnic discrimination in the high schools. This report includes much supporting demographic and enrollment data presented in 15 exhibits. (VM)

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PROMOTING INTEGRATION IN THE NEW YORK CITY HIGH SCHOOLS

Education Law Project

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July 1987

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PROMOTING INTEGRATION IN THE

NEW YORK CITY SCHOOLS

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PROMOTING INTEGRATION IN THE
NEW YORK CITY SCHOOLS

Introduction

The New York City public high schools are highly segregated by race. The City defines as "integrated" education occurring in schools with student bodies 50% or more white. By that definition, only about 55,000 youngsters, comprising about 20% of all the 272,500 high school students in the system in 1985, enjoyed an integrated education.[1]

Of the total number of high schools, 96 are academic comprehensive or vocational technical schools which draw their students from the general high school eligibility pool.[2] Those schools in 1985 enrolled approximately 243,193 students.[3] Though three out of every four of those students were minority youngsters, more white than minority students attended, as defined, integrated schools.[4] In 1985, there were 20 integrated schools in the City.[5] Of the City's 57,844

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[1]Board of Education Annual School Census, October 1985 Pupil Ethnic Composition Report, June 12, 1986 (hereinafter "School Census, October 1985"). See Exhibit A, attached hereto.

[2]Data on these schools is reflected in the attached pages labelled Exhibits B1-B6. The data are drawn from Exhibit A. In addition to the 96, there are 4 special high schools which operate pursuant to State law, see note 11, infra, and a number of auxiliary, offsite and alternative schools. None of these schools currently participates in the City's integration program. Statistical data about their student bodies is not included throughout this paper when reference is made to students in the City's high schools.

[3]See Exhibit B1, attached hereto.

[4]Id. As used in this paper, the term "white" refers to non-Hispanic whites.

[5]See Exhibit C, attached hereto.

white students in the 96 academic and vocational schools, 32,329 or 55.9% attended those schools. By contrast, of the City's 185,349 minority youngsters, 22,308 or 12% attended one of the 20 integrated schools.[6] At the same time, approximately 106,187 or 57.3% of all minority high school students attended schools with student populations 5% or less white.[7] How did this situation develop?

In 1976, the Board of Education began to implement a policy which designates some high schools -- variously called "stabilized," "protected" or "receiving" schools -- as targets for maintenance of student populations which are 50% or more white. To achieve and maintain the 50/50% balance, the Board controls the admission of minority students to the schools under the Controlled Rate of Change Plan which controls the flow of admitted minority students based upon the number of whites and minorities admitted to the school in the ordinary course of school assignments.

In the decade since the Board adopted this integration formula, the proportion of white students in the total school population has dropped significantly.[8] Legal doctrine on school

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[6]See Exhibit B2-B6, attached hereto.

[7]Id.

[8]In 1976, the white student population formed the following percentage of the total student population in each borough: Manhattan 10%, Bronx 19%, Brooklyn 41%, Queens 56%, Staten Island 88% Attachment A to the Board of Education's June 15, 1976 submission to the Commissioner of Education in Matter of Parent Assn. of Andrew Jackson High School, No. 9251.

In 1985, the white student population formed the following percentages of the total student population in each borough: Manhattan 10.7%, Bronx 10.9%, Brooklyn 23%, Queens 32%, Staten Island (Richmond) 77.9%. School Census, October 1985. Subtracting from the total those

desegregation has evolved significantly as well. It is appropriate, therefore, that the Board of Education now re-examine its policy on school integration to assure that the policy is legally viable and that it represents the fairest and wisest option available to the City.

This report first will examine the current integration policy and how it operates in tandem with the City's general high school admissions and assignment policy. Next, it will analyze the sources of law, e.g., Board of Education policy, Commissioner of Education orders, and court decisions that have shaped the City's integration policy. The third section of this report will set out an overview of recent legal decisions pertaining to school desegregation. Finally, we will pose some questions about the relevant factors for consideration as the City reviews and re-evaluates its integration policy.

As will become evident, we are persuaded that without regard to the legality of the 50/50% integration plan when it was originally implemented in 1976, the policy is not now constitutional. Though the City's efforts may require some latitude to make race-based school assignments to achieve integration, those efforts are constitutional only if they effect the least restriction possible on the opportunities of minority youngsters and only if minorities denied an integrated education receive instead an education of at least comparable quality. We believe that the current plan fails on both accounts because (i) the 50% set aside for white youngsters is not the least necessary

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students at schools not participating in the integration program, the white students in each borough comprise the following proportion of the whole: Manhattan 5.2%, Bronx 8.2%, Brooklyn 25.1%, Queens 32.5%, Staten Island 79.1%. See Exhibit B1-B6.

restriction on minority opportunities; and (ii) the great majority of non-integrated primarily zoned schools offer to minority children educational opportunities significantly inferior to those made available in integrated schools.

As noted above, we do not offer a specific solution to the developments we trace. We pose questions, however, which require study and response.

Those questions include:

1. What type of race and ethnic mixing yields an integrated school or system? Does the answer turn only on the proportion of white to non-white students or rather on the proportion of white to black to Hispanic to Asian? Should some "minorities" be treated differently from others in establishing voluntary guidelines for proportionate integration?

2. What are the values and benefits of integration? One must answer this question in order to answer Question 1 which is concerned with the appropriate mix yielding "integration."

3. Must a proportional assignment plan to achieve integration adopt a single standard City-wide? Can and should the City establish different integration goals from borough to borough? In borough clusters (e.g., Manhattan/Bronx; Queens/Brooklyn; Staten Island)? On some other basis?

4. Should the willingness of whites to make a commitment to the system by sending their children to the public high schools form any part of the decision about setting integration goals? If lowering white set-asides would accelerate white departure from the

school system and would discourage the return of whites who have previously left the public schools, how do those considerations weigh in the balance? Alternatively, if the system is making disproportionate resource commitments to policies and programs designed to retain and attract whites to the system, are the corresponding shortages of resources available for minority youngsters too large to meet constitutional requirements?

5. In a system like New York City's with relatively few whites remaining, is there reason to abandon race-based assignments altogether and to concentrate instead on enhancing the quality of education in all schools for all children?

* * *

I. The Admissions and Integration Program for New York City High Schools

A. An Overview of the Assignment Structure

Two separate and distinct administrative authorities within the New York City Board of Education determine student admissions to high school. The Office of High School Admissions ("OHSA") has overall responsibility for assigning students to appropriate high schools and conducts a process each Fall through which students in the City have an opportunity to choose schools to attend other than their "zoned" or neighborhood high schools. The Office of Zoning and Integration ("OZI") implements the City's high school integration plan by making alternative high school assignments to increase minority enrollment at predominately white schools while encouraging white attendance in

schools with significant minority populations. OZI is also concerned with the effect that student-to-school assignments will have on school utilization. Utilization means the extent to which a school is overcrowded, underpopulated or occupied by an appropriate number of students. OZI, therefore, makes some school assignments to reduce overcrowding and to achieve better school utilization.

Through OZI's program, approximately 23,800 non-special education students a year have a second opportunity (after completing the OHSA process) to apply to attend a school other than the high school in the geographic zone in which they live.[9] Of the 23,800 applicants, OZI ultimately places approximately 4,000 in schools other than their zoned schools.[10]

1. The Structural Division of the City's High Schools

To understand the assignment process, it is necessary to be familiar with the varieties of schools which comprise the 113 high schools in the system.

a. Academic Comprehensive Schools

There are 80 academic comprehensive high schools in the City. Four of the 80 (Bronx High School of Science, Brooklyn Technical High

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[9]OZI Assignments 1985-86, Choice Distribution Summary, Prepared by OZI for February 28, 1987 Meeting of Committee on High School Admissions Subcommittee on Zoning and Integration Matters, attached hereto as Exhibit D.

[10]While OZI technically issues placements to approximately 11,500 non-special education students (see Exhibit D), about 7,500 of those children are "assigned" to the neighborhood schools they would have attended in any event. These calculations were derived by Janet Price from 1985-86 OZI placement data. Ms. Price has been a member of the High School Admissions Subcommittee on zoning and integration and is a former member of the staff of Advocates for Children. For more detail on the nature of OZI assignments, see infra at p. 10 et seq.

School, Stuyvesant High School and Fiorello H. LaGuardia High School) are further classified as "special" high schools.[11] Integration efforts of OZI do not affect admission to these four institutions.

In addition to the special high schools, there are 8 academic comprehensive high schools classified as Educational Option ("Ed.Op.") or magnet high schools. These theme schools provide specialized and intensive concentration in one or more academic areas. Admission to four of the Ed.Op. high schools[12] is open to students residing in any of the five boroughs. Admission to four others[13] is limited to students who reside in Brooklyn. Along with the geographic restrictions just described, admission to these eight Ed.Op. high schools is based on the following criteria established by the Board of Education in September 1986.

> One-half of those admitted are chosen by random computer selection from among each of three categories of students who apply to the Ed.Op. schools:
>
> 16% students reading above average for grade level
> 68% students reading at the average for grade level
> 16% students reading below average for grade level
>
> The other half of those admitted are handpicked by the schools according to the same percentage formula (16%-68%-16%) after examination by the individual schools of applicants' transcripts

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[11]New York State Education Law section 2590-g(12) and the regulations promulgated under that section govern the establishment, admissions policies and maintenance of the four special high schools. The law provides that admissions are open to New York City students depending upon performance on a competitive, objective scholastic achievement test. Fiorello H. LaGuardia, a school for the arts, further requires that students submit to portfolio evaluations or to auditions.

[12]Clara Barton, August Martin, Murry Bergtraum, and Norman Thomas.

[13]Edward R. Murrow, High School of Telecommunication Arts and Technology, John Dewey, and Paul Robeson.

and school attendance records.[14]

The remaining 68 academic comprehensive high schools are neighborhood or "zoned" high schools. Every student in the system is guaranteed a place in a zoned school.

Forty-eight of the remaining zoned academic comprehensive high schools have created Ed.Op. programs within them. The criteria utilized for admission to these programs are the same as those utilized for admission to Ed.Op. schools. In addition, as with Ed.Op. schools, most of the Ed.Op. programs within the zoned schools accept students from outside the zoned area, thus, the number of seats available for students from within the zone who would like to take advantage of the "schools within a school" Ed.Op. programs at their school is greatly reduced.[15] Accordingly, although assured a seat in their neighborhood schools, the vast majority of students who attend their zoned schools cannot participate in the selective programs available within many of those institutions.

In addition to the 48 academic comprehensive high schools

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[14]Prior to the establishment of the 1986 admissions criteria, the Board of Education permitted any Ed.Op. high school to select a student body from three categories of applicants. The first category, yielding 25% of the student body, was comprised of applicants who scored more than six months below grade level on the California Achievement Test for reading. Category two, yielding 50% of the student body, was comprised of applicants who scored between six months below and six months above reading grade level. The remaining 25% of the class was made up of applicants who scored more than six months above reading grade level. The Ed.Op. applications were initially pre-sorted into the three categories, and then school officials selected, within the categories, whomever they wanted. School officials generally selected students at the top of each of the three categories. Advocates for Children, Public High Schools: Private Admissions at 9 (1985).

[15]Educational Priorities Panel, Lost in the Labyrinth at 4 (1985).

with Ed.Op. programs, 14 zoned schools have "screened" programs of the "school within a school" sort. Before September 1986, school administrators were permitted to utilize personal interviews, pre-entry tests, parental interest assessments, and reviews of junior high school notebooks to select applicants into their screened programs. Since September 1986, school administrators may select applicants for screened programs only on the basis of an examination of student records (transcripts and attendance sheets). The school administrators, however, are not restricted by any student achievement distribution formula like the one required for Ed.Op. schools or programs, so they may chose to take only the applicants they view as the most "qualified." By admitting students from other zones, screened programs also reduce the number of seats available to students living within the zone who want to take advantage of the selective opportunities at their zoned school.

b. Vocation-Technical High Schools

There are 20 Vocational-Technical ("Voc.Tech.") high schools designed to "prepare students for jobs in various trades and for admission to colleges and/or advanced technical schools."[16] Programs in the Voc.Tech. high schools may be selective. Of 20 such schools, 19 have at least one screened program. (Eli Whitney Voc.Tech. does not). As with academic-comprehensive high schools, admission officials may select students for screened programs only on the basis of student records, but within that limitation, selection is discretionary.

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[16] 1986-87 Directory of the Public High Schools, New York City Board of Education (hereinafter "High Schools Directory") at 12.

Again, most Voc.Tech. screened programs draw students from beyond the zone of the school.

c. Alternative High Schools

In addition to the academic comprehensive high schools and Voc.Tech. high schools, New York City operates 13 "alternative" high schools to serve students who have experienced difficulties in other school settings. OZI integration efforts currently do not affect these schools.

d. Auxiliary, Continuing Education and Offsite High Schools

The Board of Education operates offsite, auxiliary and continuing education schools. These schools served 10,472 students in 1985. OZI integration efforts currently do not affect these schools.

2. The Application Process

The application process administered by OHSA begins in September of the year a student is enrolled in the eighth grade.[17] The process begins with the distribution of the High Schools Directory, a booklet which describes each school and informs students about the high school placement program. In mid-October, students must inform their counselors if they are interested in applying to the selective programs or schools. At the end of the month, the high school application, which lists all the specialized, vocational, educational option high schools, six of the alternative high schools, and the screened and educational option programs, must be submitted to the high school counselor. Placement results from this process are announced in

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[17]High Schools Directory at 9. Students in grade 9 of high school are also eligible to apply for some selective programs. Id. at 9.

February of the following calendar year.

In addition to this October application process, students who reside within OZI-specified Optional Assignment Areas ("OAAs")[18] go through a second application process in December of their last year of junior high or intermediate school. This second round of applications is the OZI Choice of Admissions or Optional Assignment Plan process. It is through this process that the City implements its integration policy.

Each OAA is comprised of a number of "sending" and "receiving" schools. A sending school is the zoned school which a child would attend were there no optional assignment possibility and were he/she not assigned elsewhere in the earlier OHSA process. A receiving school is one to which children living in an OAA are permitted to transfer in order to achieve a better racial mix or better utilization at the school.

OAAs can and do change composition. Not all of the feeder schools within the zone of a high school are participating schools in an OAA. For example, there may be eight feeder intermediate and/or junior high schools in a particular high school zone for general assignment purposes. Of those eight, perhaps only six or seven may be designated to participate in the OZI Optional Assignment process. Decisions about which feeder schools' students will be permitted to participate in the OZI assignment process may be revisited from time to time and represent the joint deliberations of the relevant borough high

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[18] In 1986-87, there were 22 OAAs. In 1985-86, there were 26. High Schools Directory 1986-87 at 26; High Schools Directory 1985-86 at 17.

school superintendent, the sending high school principal, OHSA and OZI personnel.[19] Decisions about which feeder schools will be eligible to participate in the OZI Optional Assignment program are not made publicly nor are they subject to public hearing.

Minority students (i.e., all those other than non-Hispanic whites) who live within an OAA and who would otherwise go to an OZI-designated sending school have the option[20] to apply for assignment to one of a number of receiving schools.[21] A receiving school must have a percentage of white students that exceeds the average in the receiving school's borough or is over 50%, whichever is greater. In every borough except Staten Island, the 50% white quota controls. On Staten Island, where the borough-wide high school population is 77.9% white, a receiving school must have a ratio of white students greater than 77.9%. In boroughs other than Staten Island, therefore, any high school with fewer than 50% whites does not qualify as a receiving

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[19]This information was supplied by Joseph Elias, head of OZI, in a meeting of the High Schools' Committee Subcommittee on Zoning and Integration, at the New York City Board of Education on March 2, 1987.

[20]Only two of the twenty-two optional assignment programs, Optional Assignments #1 and #10 in the 1986-1987 Directory of High Schools, are in fact optional in the sense that students in the affected areas may choose not to file an application and may remain in their zoned high school. Students who reside in Optional Assignment Area 1, which covers Community School Districts 5 and 6, and those who reside in zone 10 which covers the zones of Morris, Roosevelt, and Taft High Schools, are given the option of participating in the Optional Assignment Program or of attending their zoned school. The remaining OAAs, numbers 2-9 and 11-22, have a "must file" requirement.

[21]The receiving schools minority students may attend under Optional Assignment do not include the special high schools listed in Education Law section 2590-g (12) (i.e., Bronx High School of Science, Brooklyn Technical High School, Stuyvesant High School and Fiorello H. LaGuardia High School).

school, even though it has a higher ratio of white students than does the borough as a whole. Similarly, in Staten Island, schools which are more than 50% white but less than the borough-wide average of 77.9% white will not become receiving schools.[22]

White students in OAAs have the choice of applying for admission to designated receiving schools, i.e., generally schools that have less than 50% white student populations, and that have the potential to be "ethnically balanced."

Once receiving schools are designated, OZI controls minority admissions to those schools each year so that a stable white proportion greater than 50% is maintained despite the admission of minorities under the OAA program. OZI grants the applications of minority students seeking to attend a receiving school only so long as minority student admissions will not:

a) decrease the receiving facility's white/minority ethnic balance by 4% or more in any one school year; or

b) produce a rate of change in any one year which exceeds one-fourth of the difference between the school's current white enrollment and a 50% white enrollment, whichever is less; or

c) cause the white enrollment to drop below 50%.

Items a) and b) are called the Controlled Rate of Change formula.

An example may aid understanding of the formula. A

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[22]This paper throughout describes receiving schools as 50/50% schools -- a reference which obviously does not describe the controlling ratio in Staten Island. We ask the reader's indulgence of this shorthand reference.

hypothetical receiving school has a student body 58% white, 42% minority. Applying the Paragraph a) calculation, minority student admissions to that school in any given year would be controlled so that the racial makeup does not shift by over 4%, i.e., so it does not fall below 54% white. Alternatively, the rate of minority admissions might be controlled by the formula in Paragraph b) above. According to that formula, the focus is not on the actual balance of students after admissions decisions are made but rather on the rate of change in the racial balance in a given year. The current white enrollment, 58%, is compared with the OZI minimum desirable white enrollment, 50%. The difference is 8%. The rate of change may not be more than one-fourth of that difference, i.e., not more than 2%. Because the alternative formulations in Paragraphs a) and b) require that minority enrollments in a receiving school not exceed the lower number of the a) or b) calculations, in this case, a 2% minority shift would be the maximum allowed in a single year. In fact, once a school's white population drops below 66%, the rate of change, paragraph b) formulation, will invariably control enrollment.

A final factor in the designation of a receiving school is whether it is overcrowded or able to seat more students. The utilization rate at a school may not exceed 125 per cent of the stated capacity of the facility in order for it to be designated a receiving school. Severely overcrowded schools will not be designated as receiving schools.

In pursuance of its integration policy, however, the City may under-utilize a school (e.g., educate 800 students at a school with a

capacity of 1000) in order to retain "ethnic balance." For example, OZI may designate as a receiving school one which enrolls 500 whites and 450 blacks, Hispanics and Asians but has a total capacity of 1100. There are, therefore, 150 seats which could be made available to additional students all of whom might be minorities assuming no additional whites are interested in enrolling. OZI very likely would assign only 50 minorities to such a school, in order to bring it up to a 50% white-50% non-white student body. If there are no additional whites willing to enroll with whom OZI could match an equal, additional number of minorities, 100 seats at the high school will remain empty no matter how many minority students may wish to enroll at the school.

Once OZI receives applications from students in the OAAs, the office sets about filling seats at the potential receiving schools keeping in view the 50/50% target and the Controlled Rate of Change requirement. While OZI is processing the applications it receives, about 23,800 for non-special education students, the Office of High School Admissions is processing all the students in the system whose placements may be decided by OHSA. Typically, about one-half of the students who file applications with OZI in December of their last pre-high school year are satisfactorily placed by OHSA when its results are announced the following February. For those students, the OZI process becomes irrelevant.

The remaining half of all OZI applicants -- typically about 11,500 students -- will receive OZI placement. See Exhibit D. Of those accepting OZI placements, approximately 7,570 will be placed in their own zoned schools -- the schools they would have attended anyway.

(For 6,639 of that number, their zoned school was their first choice of assignment. Had those youngsters not been forced to make an QAA application, see note 20 supra, they need not have been involved in the OZI process at all). Another 1558 OZI applicants are placed in unzoned schools. It is possible that they did not apply for those placements through the OHSA process (though those placements could have been made through OHSA) or that having applied through OHSA, these students were turned down and now have a second chance for a desired admission. Finally, 2,440 applicants in the OZI process are assigned to non-selective programs in zoned schools which would have been unavailable to these applicants but for the OZI application procedure.[23] In other words, about 2.7% of the 90,000 high school applicants a year are given placements which only the OZI-administered integration plan could offer them in the current process. And only approximately 4.4% of the applicants a year are offered assignments by OZI to other than their own zoned schools.

Because of the complexity of the system just described, an example of the process follows.

While for some, perhaps for many students, the combined OHSA and OZI processes result in assignments to schools of their choice which offer them attractive educational opportunities, for others, the result is quite otherwise. The example that follows is one designed to suggest what occurs when the system operates at it worst. The portrayal, then, does not describe the experience of all minority high school applicants nor, on the other hand, does it represent the

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[23]See calculations by Janet Price, supra, note 10.

experience of only a few.

John Wood is a fictional student at an unexceptional junior high school. He is black, comes from a low-income family, has maintained an eighty average and has scored at grade level on the California Achievement test. He is zoned to attend Dodger High School in Brooklyn. The student body at Dodger is 23% Hispanic and 77% Black. The school is operating at 1.48% capacity, has been designated a "school in need of assistance" by the State Commissioner of Education, and has a high dropout rate. Its students have traditionally scored very poorly on standardized tests. Aware that Dodger High School did not have the facilities and curriculum, such as an educational option program, that would be available to him elsewhere, John applied to several Brooklyn high schools that were Ed.Op. schools or that offered educational option programs.[24]

John's first choice was to attend Edward R. Murrow High School (25% black, 14% Hispanic, 51% white). John's chances of being accepted into Murrow (589 acceptances out of 6,704 applications for the ninth grade in 1985-86)[25] or another Ed.Op. or magnet school, such as

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[24] John did not apply to any of the City's Vocational-Technical high schools. He expects to go to college, so he wants to attend an academic comprehensive high school. However, even entry into Vocational-Technical high schools would be uncertain. Most Voc.Tech. schools admit their students through screening processes, and the competition is tough. For example, George Westinghouse Vocational Technical High School in Brooklyn received 2,055 applications in 1985-86 for its screened ninth grade entering class technical electronics/computer circuitry program. Out of the 2,055 applicants, only 290 students were accepted into the program. High School Directory at 189.

[25] High School Directory at 181.

the High School of Telecommunication Arts which accepted 591 students out of 1,791 applicants for 1985-86, are slim.[26] Since he tested at grade level, John is in the category of students from among whom 68% of the Ed.Op. students will be selected. [See supra at p. 7 for a description of the Ed.Op. selection policy.] Half of that category of admitted students will be selected randomly by computer; the other half, by school administrators.

Due to the large number of applicants, we will assume that John did not get accepted by computer selection into Murrow or any other comparable Ed.Op. school or program. Now, the schools' admission personnel are allowed to choose the remaining half of the students to be admitted. If the racial/ethnic make-up of the randomly computer-selected group of students is overwhelmingly minority, which is likely since Brooklyn's relevant high school population is only 25.1% white, school officials may be inclined to accept a significant number of white students to prevent the schools from becoming minority schools.

The number of remaining seats which will be given to minority students may be extremely limited. Those seats will probably go to minority students within John's reading level category who have the best records. In other words, students with 90 averages, who come from junior high schools with advanced courses will be chosen over John, an "80" student who came from a junior high school that did not offer a significant array of advanced courses.

As a final straw, students who are zoned to attend Dodger

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[26]Advocates for Children, Public High Schools: Private Admissions at 39 (1985).

High School are not designated for participation in an OZI-administered Optional Assignment program, which may be viewed by some as their last chance to avoid their zoned high school. Had John been living in an Optional Assignment Area, he would have had a chance for a placement through the OZI process. He would have applied in October with OHSA for Murrow, Telecommunication and all the other schools and programs he favored. Knowing that the odds of being accepted into the school of his choice were long, had John lived in an OAA, in December, he would have covered his bets by applying to the schools designated as potential receiving schools, some of which might also have been schools to which he applied through OHSA. In February, when OHSA results were announced, had John been among the fortunate, he would have accepted his OHSA placement and ignored any later-offered OZI opportunity. In fact, about half of OZI's applicants do precisely that. Were John not able to get the schools of his choosing through the OHSA process, he would have had a second chance when the OZI results were announced. As noted earlier, only 12% of the 185,349 minority students in the City's high schools attend, as defined, integrated schools and, of those, only a tiny fraction are given that assignment through an OZI placement.

In all probability, then, John Wood will end up at his zoned high school. It is worth remembering that selective schools are allowed to limit the number of seats available at their schools, while zoned schools like Dodger must accept every student who is zoned to attend. So Dodger ends up over-utilized, enrolling a disproportionate number of limited English proficient and low-income students. As a junior high school guidance counselor put it so succinctly, "If the

child ends up in the zoned high school, that is often reason enough not to attend high school at all."[27]

B: The Integration Plan is an Obstacle to Quality Education for Minority Children.

If all one could remark about John Wood's situation were his inability to find acceptance in an Ed.Op. program, the problem would lie in an insufficiency of Ed.Op. programs, not in the integration policy. But that is not the case.

By examining very preliminary data, we have discovered disturbing correlations between integration and educational opportunity on the one hand, and segregation and lack of quality education on the other. The 50/50% schools fared better than the other City high schools without exception on every measure that we examined.[28]

1. CAR Status

In 1985, New York State issued a list of the 600 schools in the State that scored in the lowest 10% of all the State's schools on a comprehensive set of standards. Those schools are called "CAR" schools

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[27] Lost in the Labyrinth, supra note 15 at 9. Were we to trace the application odyssey of an Asian or Hispanic limited English proficient ("LEP") classmate of John's who is anxious to do better than going to Dodger High, we might find her prospects even dimmer. Most Ed.Op. schools and programs do not make any seats available for LEP students. For example, in the 1986-1987 High School Directory, the High School of Telecommunication Arts says nothing about providing seats for LEP students. Edward R. Murrow says that there are programs for students with limited English proficiency. However, LEP students are judged by the same criteria as other applicants (e.g., reading test scores), and few are accepted. Public High Schools: Private Admissions, supra note 14 at 43.

[28] In all the results reported in this section, data on the total number of schools in the sample is given, followed by the sub-categories and (i) data for the non-50/50% schools in the sample and (ii) data for the 50/50% schools in the sample. By adding the subcategories, the total will be reflected.

reflecting their designation resulting from the State's Comprehensive Assessment Report. In comparing "integrated" and other schools among the 96 academic comprehensive and vocational technical high schools to determine whether CAR status correlated with non-50/50% status we found:[29]

Total Schools	96	
Total CAR schools	59	(61.5%)

When we disaggregated the figure and compared the 50/50% schools in the sample with the non-50/50% schools, we found:

Total 50/50% Schools	20	
50/50% CAR Schools	6	(40%)
Total Non-50/50% Schools	76	
Non-50/50% CAR Schools	51	(67.1%)

2. Utilization

As noted earlier, utilization data on schools reflect whether the buildings are underpopulated, properly filled or overcrowded. Data for 1985 reveal that 50/50% schools are much more likely than other schools to be under or optimally utilized.[30]

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[29]See Exhibit E attached hereto.

[30]See Exhibit F attached hereto. The higher the utilization figure, the more crowded the school.

Utilization	Total Schools	Non-50/50% Schools	50/50% Schools
Up to 1.09%	55 (57.3%)	41 (53.9%)	14 (70%)
1.10% to 1.39%	33 (34.4%)	28 (36.8%)	5 (25%)
1.40% to 1.80%	8 (8.3%)	7 (9.2%)	1 (5%)

Similar results are observable in the 1984 utilization data.[31]

Utilization	Total Schools	Non-50-50% Schools	50/50% Schools
Up to 1.09%	49 (51%)	35 (46%)	14 (70%)
1.10% to 1.39%	39 (40.6%)	33 (43.4%)	6 (30%)
1.40% to 1.80%	8 (8.3%)	8 (10.5%)	0 (0%)

3. Math Competency Tests

The Regents Math Competency Test results for two consecutive years (1985-86 and 1984-85) show significant disparities between the performance of students at the 50/50% schools and those in the other high schools in the system.[32]

Percent Passing Test	Total Schools	Non-50/50% Schools	50/50% Schools
1985-86			
Up to 39%	45 (46.9%)	39 (51.3%)	6 (30%)
40%-59%	42 (43.7%)	32 (42.1%)	10 (50%)
60%-89%	9 (9.4%)	5 (6.6%)	4 (20%)

[31]See Exhibit G attached hereto.

[32]See Exhibits H and I attached hereto.

1984-1985						
Up to 39%	11	(11.7%)	11	(14.8%)	0	
40-59%	67	(71.3%)	53	(71.6%)	15	(75%)
60-89%	16	(17%)	11	(14.8%)	5	(25%)

4. Reading Scores

The results of tests given to determine whether children are reading at or above grade level reveal, again, substantial disparities between the integrated and the non-integrated schools. The figures for 10th grade students for 1985-86 and 1984-85 are:[33]

Percent Reading at Grade Level	Total Schools	Non-50/50% Schools	50/50% Schools
1985-86			
Up to 39%	10 (10.6%)	10 (13.5%)	0 (0%)
40%-59%	35 (37.2%)	33 (44.6%)	2 (10%)
60%-100%	49 (52.1%)	31 (41.9%)	18 (90%)
1984-85			
Up to 39%	40 (43%)	38 (52.1%)	2 (10%)
40%-59%	32 (34.4%)	26 (35.6%)	6 (30%)
60%-100%	21 (22.6%)	9 (12.3%)	12 (60%)

The ninth grade reading test scores, like all the other foregoing measures, show a marked difference between the 50/50% schools and the others.[34]

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[33]See Exhibits J and K attached hereto. The 1984-85 figures on Exhibits J, K, L and M reflect the percentage of students reading at or above grade level. The 1985-86 figures show the percentage of students reading in the top two quartiles of students tested.

[34]See Exhibits L and M attached hereto.

Percent Reading at Grade Level	Total Schools	Non-50/50% Schools	50/50% Schools
1985-86			
Up to 39%	24 (25%)	24 (31.6%)	0 (0%)
40%-59%	30 (31.3%)	26 (34.2%)	4 (20%)
60%-100%	42 (43.7%)	26 (34.2%)	16 (80%)
1984-85			
Up to 39%	63 (67%)	58 (78.4%)	5 (25%)
40%-59%	26 (27.7%)	12 (16.2%)	14 (70%)
60%-100%	5 (5.3%)	4 (5.4%)	1 (5%)

These striking differentials between the 50/50% schools and the non-50/50% schools more than plainly reflect that the latter are not succeeding in educating the youngsters assigned there. And the youngsters assigned to the non-50/50% schools are overwhelmingly minority children. As noted earlier, by operation of the City's consciously adopted integration policy, 55.9% of the City's white high school youngsters but only 12% of the City's minority children attend the 50/50% schools whose educational results are reflected in part in the foregoing data.

II. Development of the City's Integration Policy

A. Introduction

Discovering the essence and sources of the New York City integration policy for high schools is no easy task. This is primarily the result of the City's failure to issue any formal written statement of the policy and its current implementation. The program apparently has emerged from an accretion of statements by the Board of Education, orders from the New York State Commissioner of Education, court

decisions and ancillary federal and state statutes and rulings.

This section of our paper will explore the policy sources most often cited by OZI as the basis for its operations and will examine:

(1) whether the sources cited authorize the OZI integration program, and

(2) whether there are additional mandates in those sources which may not be effectuated by the current plan.

B. New York State and City Commitments to Integrated Schools

The New York State Legislature and the New York City Board of Education have issued several policy declarations which make commitments to racial integration of the City's schools. Among the most important is New York Education Law § 3201 which provides that "[n]o person shall be refused admission into or be excluded from any public school in the state of New York on account of race, creed, color or national origin." That statute, enacted in 1947, was followed in 1954 and in 1963 by resolutions passed by the New York City Board of Education calling for an end to segregation and for efforts to integrate the City's schools. To effectuate those pronouncements, in 1954, the Board of Education created a Commission, instructing it "...to devise and put into operation a plan which will prevent the further development of [segregated] schools and would integrate the existing ones as quickly as practicable" and to "...address itself to the closely related and crucial problem of raising the educational and vocational aspirations of talented students from economically and

socially deprived groups."[35]

In reviewing and projecting its plans for integrating the City's schools in 1963, the Board described programmatic efforts to integrate the schools including reductions in class size, equitable distribution of the "best teachers," intensified remedial education and the introduction of effective new instructional techniques. The focus of these efforts was largely to be in the schools, which because of demographic and similar constraints, could not be racially integrated. The Board stated:

> "We should be spending at least one hundred million dollars a year more on [the above-listed programs] 'to raise educational standards'...[in] de facto segregated schools.... [T]he Board of Education has pursued two major courses of action, each complementary to the other: A. To promote ethnic integration wherever possible. B. To achieve equality of educational opportunity when, as a result of the operation of forces beyond its control, ethnic integration has not been possible."[36]

In sum, both New York State and City appear to have been committed to the goal of integrated education for the past forty years, and, failing that possibility for some minority children, to at least augmenting the education these students received in their de facto segregated schools.

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[35]Statement and Resolution by Col. Levitt for Appointment of a Commission with the Idea of Approaching More Closely the Racially Integrated School in All Localities, in Journal of the Board of Education of the City of New York, Board of Education, Volume 2, 1954, pp. 4126-4127.

[36]"Plan for Integration, August 23, 1963," submitted by New York City Board of Education to Dr. James E. Allen, Jr., New York State Commissioner of Education, Rose Shapiro Papers, folder: "Integration -- History of Supporting Papers (I)," New York City Board of Education Archives, Special Collections Milbank Memorial Library, Teachers College, Columbia University.

By the early 1960s, a modified quota plan to achieve integration -- known as the Free Choice-Open Enrollment Plan -- was in place in the elementary and junior high schools in the City. The Plan allowed children in schools that were 85-90% populated with "Negro and Puerto Rican" students the option to transfer to schools in which there was space and in which the percentage of whites in the student body was "...high, usually above the 70% mark.... Similarly, the percentage of minority group pupils in each grade after transfers is maintained below 40% in the receiving schools." Landers, Jacob, Improving Ethnic Distribution of New York City Pupils, An Analysis of Programs Approved by the Board of Education and the Superintendent of Schools, City School District of the City of New York, May, 1966, pp. 24, 25.

In 1964, the Free Choice-Open Enrollment Plan was extended to the high schools so that students in schools with 65% or more Negro or Puerto Rican enrollments were allowed to apply for transfers to high schools that were not overcrowded and that had "...a favorable ethnic balance or a preponderance of [whites]...." Id. at 35. Concomitantly, according to the Landers study, the Board was enhancing the education available at the integrated receiving schools in an effort to sustain white student enrollment:

> "In New York City, programs to improve ethnic distribution are almost always accompanied by additional allotments to the schools affected. Many millions of dollars in additional funds are appropriated each year for extra supplies and for such compensatory services as more guidance counsellors, reading specialists, school aides, and after-school study centers, as well as for reduced class size.
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> * * *
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> From the very beginning it was recognized that additional services would be required in the 'receiving' schools --

smaller class size, reading, guidance and other specialists, increased allotments for supplies, and similar improvements." Id. at 17, 28.

The Board's earlier commitment to improve the quality of education offered at the remaining de facto segregated schools is conspicuously absent from the integration efforts surveyed by Landers.

C. Judicial and Commissioner Orders Regarding the Schools in New York

Two early New York cases set the tone of the development of school desegregation law in the State. Both approve efforts by school authorities to zone schools and to make school assignments with the purpose of fostering integration. In the first, Matter of Balaban v. Rubin, 14 N.Y.2d 193 (Court of Appeals, 1964), the court reviewed a plan by the New York City Board of Education to establish a new junior high school with an enrollment one-third black, one-third Hispanic and one-third white. The proportional enrollment policy was consciously chosen as a means to promote integration. Parents of children zoned to enter the new integrated school brought suit to challenge the zoning, alleging that it violated New York Education Law § 3201 which provides that no one shall be refused admission into or excluded from any public school on account of race. Plaintiffs' children, they argued, were being excluded from their neighborhood school and zoned into the new school on account of their race. The Court held that the zoning plan, clearly within the zoning authority of the Board, was not illegal inasmuch as it did not foster racial segregation. The Court so held over a strong dissent which would have found the 1/3-1/3-1/3 student body plan a form of discrimination which could in future be turned against minorities.

The New York State Legislature, apparently responding to pressure from some who thought that quotas such as that upheld in Balaban v. Rubin were objectionable, amended § 3201 to add a second paragraph. The amendment would have prohibited school officials from assigning students or establishing school districts or zones for the purpose of achieving racial equality. Parents of minority children in the Buffalo school system brought an action to challenge that prohibition. In Lee v. Nyquist, 318 F. Supp. 710 (W.D.N.Y. 1970), a three-judge federal court held the amendment invalid as a violation of equal protection of the laws.

> "The statute's salutary objective, [defendants] urge, was to assure the community acceptance necessary for the effectuation of local school desegregation. To the extent, however, that the statute thus recognizes and accedes to local racial hostility, the existence of which has created in the past a serious obstacle to the elimination of de facto segregation, the purpose is clearly an impermissible one."
> 318 F. Supp. at 720[37]

The legacy of these cases is that school authorities may act to foster integration goals, including through race-conscious school zoning and assignment decisions. As the Lee v. Nyquist court said, "...the elimination of racial isolation in the schools promotes the attainment of equal educational opportunity and is beneficial to all students, both black and white." 318 F. Supp. at 714.

Three other cases are cited by OZI in support of its policy. All three share a common principle: Where a court makes a finding of intentional, de jure, race discrimination resulting in a segregated

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[37]The Supreme Court cited and reaffirmed the analysis and ruling of Lee v. Nyquist in Washington v. Seattle School District No. 1, 458 U.S. 457, 469-70 (1981).

school situation, the court may order the imposition of racial quotas to eradicate the effects of that segregation. Two of the cases resulted in the imposition of an integration quota which reflected the proportion of whites to non-whites in the relevant comparable school population. In the remaining case, the court adopted the Board of Education's remedial quota proposal which resulted in maintaining one majority white school and one majority minority school. A brief description of each of the cases follows.

In the Franklin K. Lane High School case, De Felice et al. v. The Board of Education of the City of New York, No. 71C-502 (E.D.N.Y. May 16, 1974), the court found that the Board had engaged in intentional segregation, creating a Brooklyn high school which, in 1972, was 20.5% white while the white student population in academic high schools generally in Brooklyn was 50.1% of the total and in the nearest contiguous borough, Queens, was 69.3%.[38] An additional indicator of the intentional segregation at Franklin K. Lane, according to Judge Dooling, was "...the extent of the educational disadvantage experienced by students at Franklin K. Lane and the limited educational resources deployed and deployable to compensate for and remedy the educational disadvantage of the students' lot."[39] The District Court ordered that the Lane school be re-zoned. In adopting a modified version of the Board of Education's zoning proposal, one which would yield a 50% white population at Lane, the Court noted that the

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[38]May 16, 1974 Memorandum Incorporating Findings of Fact and Order of Judge Dooling at pp. 4-5.

[39]May 16 Findings and Order at p. 2.

proportion would "...reflect[ ] the 'balance' derivable from the population of the revised zone."[40] That zone drew both from Brooklyn, which enrolled a 50% white student body and Queens, where the student body was 69% white. The 50% number, the Court went on to emphasize, was not one that independently recommended itself.

> "It is not correct to think of the case as seeking to achieve a better racial and ethnic balance in the school, and to define that in terms of the highest feasible percentage of [whites] in the school. Redressing imbalance is a mathematical consequence of measures taken to eliminate invidious discrimination."[41]

Hart v. Community School District, 512 F.2d 37 (2d Cir. 1975), embodied a similar decision to desegregate a junior high school so that its ultimate proportion of white to non-white students reflected the minority population in the junior highs in the district. The Court of Appeals for the Second Circuit affirmed the district court's plan to redraw feeder patters to Mark Twain -- a de jure segregated junior high school -- so that the school population would be 70% white and 30% minority, which the court found "is the approximate ratio of Caucasian to minority in the school population of the district's middle schools." 512 F.2d at 42.

Finally, in Marcus Brody-Jones et al. v. Macchiarola et al., 503 F. Supp. 1185 (E.D.N.Y. 1979), the court ordered a correction for

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[40]De Felice v. The Board of Education, supra (August 8, 1974) at 6-7.

[41]Had the Court adopted the alternative proposed zoning plan of an interested coalition, Judge Dooling noted that the plan would probably have resulted in a school considerably less than 50% white. Because his was an obligation to dismantle the de jure segregation at Lane, that little, that late, the Judge stated, was inadequate. De Felice et al. v. The Board of Education of the City of New York, supra, (August 8, 1974), at 18.

de jure segregation with the resulting proportion of whites to minorities in two middle schools in Queens of (i) 61% white/39% minority in one school, and (ii) 45% white/55% minority in another.[42]

While these three cases are interesting, they are of limited utility in defining a voluntary integration policy for New York City high schools for the following reasons:

1. The racial quotas set for those schools in the mid-1970s based on sensitive inquiries into demographic patterns at the time have little bearing on the quotas that would be appropriate for other schools a decade later. Indeed, with the passage of time, demographic changes may have altered even the zones in which those schools are situated and made different quotas appropriate there.

2. All three are cases in which a court found that the Board or other education authorities had intentionally segregated the schools in question. The courts ordered a remedy that would dismantle that segregation. For more on the consequences of a finding of intentional segregation, see infra, at pp 41-46.

3. Two of the schools were intermediate level schools. The ratio of minorities to whites in schools at that level may be set at points not necessarily appropriate to setting integration goals for high schools.

Probably the single greatest determinant of New York City high school integration policy is the case law growing out of the Andrew Jackson High School litigation. Parents of minority students at

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[42]The academic high school population in Queens in 1977 was 48.6% white.

Andrew Jackson, disturbed by a history of racial imbalance at the school, sought a ruling from the New York State Commissioner of Education ordering that the school be integrated. In 1974-75, Jackson was a 98% minority school, while in the remainder of Queens, 59% of the high school students were white.[43] Quoting a Board of Regents Policy statement of February, 1975 that "[a]n integrated school...is one in which the racial composition of the student body reflects the pupil population of the district without necessarily attempting to be proportionate to it....," Commissioner Order No. 9153 at page 6, the Commissioner directed the Board of Education to submit a plan for the integration of Andrew Jackson having "...the effect of insuring that the racial composition of the student body of the school reflects the pupil population of the borough of Queens...." Commissioner Order No. 9153 at page 8.[44]

Rather than submitting the ordered plan, the Board moved to re-open the Commissioner's decision, a motion that was granted on May 18, 1976. Commissioner Order No. 9251. The Commissioner was persuaded by data submitted by the Board during the Spring of 1976, that demographic projections for Queens and Brooklyn showed a continuing decline in the proportion of whites in the system in the coming

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[43] In the Matter of the Appeal of the Parent Association of Andrew Jackson High School, Order of the Commissioner of Education No. 9153, December 18, 1975, p. 6.

[44] A similar order was issued by the Commissioner in In the Matter of the Appeal of Paul Fishman, et al., Commissioner Order No. 9154, December 18, 1975. A challenge to the segregation at Erasmus Hall High School was proceeding parallel to the Andrew Jackson litigation. Similar orders were issued over the course of time by the Commissioner in both cases.

years.[45] As a consequence, the Board argued, were Andrew Jackson forced to maintain a student body racially roughly proportionate to the borough-wide student population, whites would have to be forced to attend Andrew Jackson in significant numbers, they would flee the system rather than do so, the proportion of whites in the schools in Queens would decline precipitously, and the entire borough would become even more quickly than otherwise a minority system. The Commissioner's Order re-opening the earlier Andrew Jackson decision acknowledged a need to "...ensure that efforts to achieve greater integration in some schools does not destroy or seriously impair the integrated status of other schools" in the borough. Commissioner Order No. 9251 at page 3.

As a result of the proposal submitted by the Board on re-opening, the Commissioner, on July 1, 1976, entered an entirely new order for Andrew Jackson. Commissioner Order No. 9277. Pursuant to this order,

> black and Hispanic students residing within the Andrew Jackson attendance zone shall be provided (on an entering year basis) with an option to attend any New York City high school other than the specialized high schools designated in Education Law section 2590-g, subdivision 12, in which the percentage of white students exceeds the borough-wide average in the borough in which the 'receiving' school is located or in which the percentage of white students is above 50 percent of the total school population, whichever is greater. No student, however, will be permitted to designate facilities other than those currently designated as receiving schools in which the present utilization rate exceeds 125% of the stated capacity of the facility.
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> Commissioner Order No. 9277 at page 3.

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[45]The Board's Supplementary Petition for Reopening of Prior Decision in the Erasmus Hall case, In the Matter of the Appeal of Paul Fishman et al., before the Commissioner of Education, March, 1976.

To implement the movement from the sending to the receiving schools, the Commissioner endorsed the Board's proposed Controlled Rate of Change Plan. See supra at 13.

As is obvious, the Commissioner was no longer committed to integrating the student body at Andrew Jackson at all. (The same was true for Erasmus Hall.) The problem of having the children in those school zones attend all-minority schools was to be solved by letting the youngsters escape the schools and seek integrated education elsewhere. In fact, at the time, the Commissioner noted, there were 25 high schools in the City system that were 50% or more white and not over 125% over-utilized. Commissioner Order No. 9277 at page 3. All of them were potential receiving schools.

The Andrew Jackson parents went to federal court. They argued first that the segregation at Andrew Jackson was the result of conscious intent, not the product of undirected demographic forces. On that issue, they lost. Parent Association of Andrew Jackson High School v. Ambach, 598 F.2d 705, 713-715 (2d Cir. 1979). The Second Circuit Court of Appeals, however, questioned the constitutionality of the Commissioner's plan to distribute willing Andrew Jackson students to City high schools which had 50% or greater white student bodies. Because there was a finding of no general de jure discrimination, the court was "...limited...to determining whether [the voluntary plan] unconstitutionally denies minority students an equal opportunity to study at integrated schools." 598 F.2d at 717. Through the Controlled Rate of Change formula for admitting minority children from Jackson and Erasmus to predominantly white schools, "...the Plan tends to preserve

predominantly white schools from an influx of non-white students and, therefore, discriminates against the non-white community." 598 F.2d at 717.[46] This scheme, nonetheless, would be permissible, the court ruled, if the Board had carefully crafted its Plan in setting the integration tipping point at 50%. Because the Plan had city-wide consequences but the evidence to support it was focused only on the borough of Queens, the court stated

> "...we [do not] find adequate evidence of how the Board arrived at its assumed 'tipping' figure of 50% or based upon what facts it decided to control the annual rate of change as it did."
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> 498 F.2d at 720.

The data which originally had been submitted to the Commissioner took into account no consideration of the burden the plan placed on minority, but not white, children seeking an integrated education or on those minority children remaining in non-50/50% schools. It nowhere gave evidence of careful tailoring to restrict as minimally as possible minority children's opportunities for integrated education. The Board's Supplementary Petition for Reopening of Prior Decision in the Erasmus Hall case,[47] for example, offered the following bases for establishing the Quota and the Plan ultimately adopted:

(i) Paragraph 14 suggested without any citation that "...judicial and administrative decisions and academic studies have made it clear that, for a variety of reasons, the presumed benefits of

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[46]The Court noted, 598 F.2d 712, n. 3, that the Plan specifically included creating or enhancing educational magnet curricula at Andrew Jackson to "...provide[] for enriched academic and vocational programs for those students who remain at Jackson."

[47]In the Matter of the Appeal of Paul Fishman et. al., Before the Commissioner of Education, March, 1976, attached hereto as Exhibit N.

integration are most likely to be found in a school with a majority white population."

(ii) Paragraph 15 cited the now non-existent Emergency School Aid Act, 20 U.S.C. §§ 1601 et seq., as defining a "minority group isolated school" as one having a minority enrollment over 50%.

(iii) Paragraph 16 cited Veter v. Allen, 41 Misc. 2d.200 at 203 (Supreme Court, Albany County, 1963) quoted the Commissioner of Education as having said that "a 'racially imbalanced' school is 'one having 50 percent or more negro (sic) pupils enrolled.'" Veter was overruled by implication by Matter of Balaban v. Rubin, supra, in 1964.

(iv) Paragraphs 19, 21, 36, 41, 42, 43, and 46 refer to actual and projected high school enrollment figures for high schools in Queens, Brooklyn, Manhattan and the Bronx broken down to reflect general demographic trends, schools population figures and rates of ethnic change in the schools. A map of the Erasmus Hall and contiguous high schools zones is also presented. The crux of the matter was stated as follows in Paragraph 26, which assumes without reasoning or reference that a school which has a 30% white population is not an integrated school:

> It is misleading and futile to embark on rezonings of schools, presumably for the purpose of providing 'integrated' education to more students, when such orders, by their own terms, result in schools which are over 70% minority schools (assuming that the whites who would be zoned into Erasmus would attend).

The remainder of the petition was largely argument. The case was remanded to the district court for further findings with respect to both the 50% white floor on receiving schools and on the Controlled Rate of Change formula.

In 1984, the Second Circuit Court of Appeals heard the case again. The Court reviewed a finding of the district court which had held the 50% quota unjustified on the evidence. Various sets of data had been presented to support the Plan. One reflected the rate at which white students left a school that was becoming increasingly minority; another compared the actual experience in Queens receiving schools since the Controlled Rate of Change Plan became effective with projections of what would have happened had all minority students been allowed to enter majority white schools without controls on the rate of entry. While there were other exhibits and testimony in support of them, the Court of Appeals noted that the data were all based on the actual or hypothesized, projected data pertaining to the New York City schools and their experience.

The Court of Appeals found that the case must be returned to the district court for further findings. Though the Court found clear error in the decision below holding the 50% quota unjustified on the Board's proffered record, the opposite conclusion -- that the quota was justified -- was not clearly correct. More analysis was required. Since the legitimacy of the Controlled Rate of Change formula depended in part on a prior holding that the 50% quota was permissible, the whole case went back for further consideration at the district court level. 738 F.2d at 582. On remand, the district court was instructed to focus on the burden placed on minority students forced by the Plan to remain in minority schools. 738 F.2d at 583. In addition, the court stated that "...if it turns out that the statistical experience of New York City schools is inadequate to show conclusively [a correlation

between under 50% enrollment of white youngsters and white flight], defendants may supplement that data with the experience of other cities or expert testimony." (Emphasis supplied) 738 F.2d at 582-83, n. 14. No further action in the case has brought it to a resolution, and the matter stands now as it did in July 1984 when the remand occurred.

Arising out of this history are some compelling observations. First, when the Commissioner endorsed the Board of Education's proposal to allow Andrew Jackson and Erasmus Hall students to abandon their segregated schools in favor of majority-white schools, there is no reason to believe that the Commissioner intended that procedure to become available to students in zones other than Jackson and Erasmus. Extending the 50/50% Controlled Rate of Change option to approximately 23,800 students in almost two dozen OAAs each year without any further discussion of the policy underlying that extension may well strain the legitimacy of the program as originally conceived and ordered.

Further, there is no evidence that the Board has ever undertaken to respond as indicated to the Second Circuit's mandate. The Board has not, as the Circuit instructed, focused on the burden placed on minority children forced to remain in minority schools by the insufficiency of integrated educational opportunities. That burden may well have constitutional dimensions and may lack the justification for which the Court of Appeals was searching on its second review of the Andrew Jackson case.

In taking a fresh look at the 50/50% Controlled Rate of Change Plan, the Board ought to be familiar with the law of school desegregation as it has developed over the past two decades. Relevant

precedent will be helpful to the Board in focusing examination of the New York City efforts. We turn to that issue next.

III. The Current Law of School Desegregation

In its historic decision in Brown v. Board of Education, 347 U.S. 483 (1954), the Supreme Court declared that "in the field of public education the doctrine of 'separate, but equal' has no place. Separate educational facilities are inherently unequal." In Brown, the Court declared that state-mandated or deliberately maintained dual school systems -- those with certain schools for minority students and others for white students -- violated the equal protection clause of the United States Constitution. Once a dual school system is found by a court, race conscious remedies not only are appropriate, they are required.

In order for a court to enter a desegregation decree, however, it is necessary for plaintiffs to prove that the dual system results from conscious or de jure, not de facto, segregation. The key element in that proof is intent. Keyes v. School District No. 1, 413 U.S. 189 (1973). The fact that a school district has some schools that are predominantly black and some that are predominantly white does not automatically prove discriminatory intent. In Dayton v. Brinkman, 433 U.S. 406 (1976), the Supreme Court explained:

> "The finding that the pupil population in the various Dayton schools is not homogeneous, standing by itself, is not a violation of the Fourteenth Amendment in the absence of a showing that this condition resulted from intentionally segregative actions on the part of the Board."

433 U.S. at 413.[48]

The law of school desegregation relevant to this discussion has developed on two different predicates. The first concerns challenges to school systems where the Courts find de jure dual systems. The second is concerned with challenges to voluntary desegregation plans adopted to combat de facto segregation. This section of our paper takes up those cases in turn, offering a summary of the significant rules of law that govern in each situation.

A. Remedial Orders in De Jure Segregation Cases

In fashioning and enforcing remedial decrees in de jure segregation cases, the courts rely on equitable principles, designing remedies flexibly to adjust for and reconcile public and private needs. In Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 (1971), the Court stated that where a school district has violated the precepts in Brown, the court has broad powers to fashion a remedy, but, "the nature of the violation determines the scope of the remedy." 402 U.S. at 15-16. The courts, in other words, can intervene in a system only to the extent necessary to cure the violation of law. In choosing an appropriate remedy, however, a court will operate with a presumption in favor of maximum desegregation.[49]

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[48]For a discussion of the factors which might be presented as proof that the New York system is de jure segregated see infra at pp. 53-58.

[49]Davis v. East Baton Rouge Parish School Board, 721 F.2d 1425 (5th Cir. 1983) (court upheld lower court's order rejecting school board's plan which retained too many one-race schools for one which retained fewer) drew on language from Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 (1971), noting Swann's general presumption against maintenance of a system with substantially one-race schools.

If a school district has desegregated, but becomes predominantly minority because of its large minority population, the school district may still be considered unitary and integrated.[50] In Pasadena City Board of Education v. Spangler, 427 U.S. 429 (1976), the Supreme Court modified the district court's order by eliminating the requirement that no school in Pasadena could have a majority of

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"Swann places the burden squarely on the Board to demonstrate that the remaining one-race schools are not vestiges of past segregation.... If further desegregation is 'reasonable, feasible, and workable' then it must be undertaken, for the continued existence of one-race schools is constitutionally unacceptable when reasonable alternatives exist." Davis at 1434. See also Morgan v. Kerrigan, 530 F.2d 401, 409-11 (1st Cir. 1976) (court rejected freedom of choice plan and magnet school plan in favor of one that would more realistically produce a unitary school system); U.S. v. Texas Education Agency, 532 F.2d 380, 393-96 (5th Cir. 1976) (court rejected plans providing for only monthly interracial cultural meetings, and for the desegregation of only one grade, in favor of a plan which promised to achieve the greatest possible degree of actual desegregation); U.S. v. Board of Education of Waterbury, Connecticut, 605 F.2d 573, 575 (2d Cir. 1979) (court rejected plans until it found one that would effect desegregation without disproportionately burdening any racial group); U.S. v. Pittman By Pittman, 808 F.2d 385, 390-91 (5th Cir. 1987) (court rejected a magnet school plan which left two schools predominantly black, ruling that there must be every effort to achieve the greatest degree of actual desegregation).

The following are examples of cases in which courts have rejected plans or orders allowing for the existence of even one all-black school. Lee v. Linden City School System, 617 F.2d 383, 384 (5th Cir. 1980); Lee v. Demopolis City School System, 557 F.2d 1053 (5th Cir. 1977); U.S. v. Seminole County School District, 533 F 2d 992 (5th Cir. 1977); Hereford IV v. Huntsville Board of Education, 504 F.2d 857 (5th Cir. 1974); Weaver v. Board of Public Instruction of Brevard County, Florida, 465 F.2d 878 (5th Cir. 1972).

[50] Green v. County School Board of New Kent County, 391 U.S. 430 (1968) (the court approved a desegregation plan which would have resulted in each school in the district having a racial composition of 57% black and 43% white students); Wright v. Council of City of Emporia, 407 U.S. 451 (1972) (the court approved a desegregation plan that would have resulted in the schools being 66% black and 34% white); United States v. Scotland Neck Board of Education, 407 U.S. 484, 491 n.5 (1972) (the court approved a desegregation plan in a school district which had a racial composition of 77% black and 22% white students).

minority students:

> [I]t must be recognized that there are limits' beyond which a court may not go in seeking to dismantle a dual system.... These limits are in part tied to the necessity of establishing that school authorities have in some manner caused unconstitutional segregation, for '[a]bsent a constitutional violation there would be no basis for judicially ordering assignment of students on a racial basis.' [A]doption of the Pasadena Plan in 1970 established a racially neutral system of student assignment in the PUSD. Having done that, we think that in enforcing its order so as to require annual readjustment of attendance zones so that there would not be a majority of any minority in any Pasadena public school, the District court exceeded its authority.
> 427 U.S. at 434-435

Courts, however, have required or sustained school assignments of students in numbers which approximate the student racial percentage within the entire system. Swann v. Charlotte-Mecklenburg Board of Education, supra at 25 ("The constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole...." but "...mathematical ratios [may be] a starting point in the process of shaping a remedy...."); Columbus Board of Education v. Penick, 443 U.S. 449, 455, n. 3 (requiring that every school in the system be brought roughly within system-wide proportionate racial balance); De Felice v. Board of Education of the City of New York, supra (rezoning required so that school is 50% minority in area that had 40%-50% minority high school population); Hart v. Community School District, supra (redrawing school feeder patterns to reflect racial proportions of relevant school population); Marcus Brody-Jones v. Macchiarola, supra (establishing specific racial integration quotas at the two schools in issue).

Because so many large urban school districts are becoming

predominantly minority systems, it is increasingly difficult to ensure that there are no virtually all-minority schools left in a system after a desegregation plan is in place. As a result, courts are ordering that where a desegregation plan leaves some all-minority schools otherwise unchanged, the burden upon the school authorities will be to satisfy the court that their racial composition is not the result of present or past discriminatory action on their part. See, United States v. Pittman By Pittman, 808 F.2d 385 (5th Cir. 1987). In such situations, where full integration cannot be achieved, an appropriate aspect of desegregation orders is "...the inclusion of remedial programs in desegregation plans to overcome the inequalities inherent in dual school systems." Milliken v. Bradley, 433 U.S. 267, 283-286 (1976). Those orders sometimes include offering remedial instruction to children destined to attend integrated schools (see, e.g., Plaquemines Parish School Board v. United States, 415 F.2d 817, 831 (5th Cir. 1969)), but on other occasions, are directed toward children who, because of demographic imbalance in the system, will attend all-minority schools. See, e.g., Adams v. United States, 620 F.2d 1277 (8th Cir. 1980) and Liddell v. State of Missouri, 731 F.2d 1294 (8th Cir. 1984). In the latter instances, the purpose of the remedial instruction or similar program enhancement is "...to ensure [that] students in all schools will receive equal educational opportunities." Adams, supra at 1296. Among the more commonly-used enhancement devices are magnet schools and programs, reduction in class size, remedial instruction, summer school programs, parent involvement programs, plans to address motivational needs of students in all-black schools,

additional counselling and the like. See Liddell, supra at 1312-1313. The theme echoing in these educational enhancement orders for the unavoidably all-minority schools is similar to that sounded by the 1963 New York City Board of Education Plan for Integration in New York City Schools. See supra at 26. As the court in Liddell explained:

> The quality improvements for the all-black schools serve a further remedial objective. A strong presumption exists against the constitutional propriety of one-race schools...and any desegregation plan leaving one-race schools must be carefully scrutinized.... To overcome this presumption of unconstitutionality, a court must find that the existence of one-race schools is justified in light of the particular facts of the case and the feasibility of other desegregation techniques.... When no other feasible desegregation techniques exist, then specific remedial programs for students in the remaining one-race schools may be included as a means of ensuring equal educational opportunity.[51]
>
> 731 F.2d at 1314

These cases reflect the need to dismantle the dual systems and to create a unitary system, including the maximum available integrated education[52] supplemented by educational enhancement programs for those who will remain in all-minority schools due to disproportionate racial balance in the school system. For those latter children, enhancements mean at least that they will not be doubly deprived -- losing both an integrated and a quality education. While both would be best, failing that option, at least educational

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[51]For these quoted propositions, the Liddell court cited the following: Swann v. Charlotte-Mecklenburg Board of Education, supra; Lee v. Macon County Board of Education, 616 F.2d 805 (5th Cir. 1980); Armstrong v. Board of School Directors, 616 F.2d 305 (7th Cir. 1980); Tasby v. Estes, 572 F.2d 1010 (5th Cir. 1978); Tasby v. Wright, 713 F.2d 90 (5th Cir. 1983) and Clark v. Board of Education of Little Rock, 705 F.2d 265 (8th Cir. 1983).

[52]See supra n. 49.

enhancement must be offered. This is a caveat to which we will return after reviewing the development of the law in cases of de facto, not de jure, segregation.

B. Remedial Options In De Facto Segregated Systems

The constitutionality of racial quotas voluntarily adopted to prevent de facto segregation in public school systems is an issue often discussed but rarely litigated. Indeed, since Brown v. Board of Education, only two cases have directly addressed the question, although a number of courts, including the Supreme Court, have referred to the issue in dictum. The judiciary's infrequent attention to this question has nonetheless produced a coherent and consistent constitutional rule: voluntary racial quotas used to arrest de facto segregation are a permissible means of promoting a compelling state interest -- integration -- so long as the quotas are precisely tailored to meet the harm addressed, are the least restrictive means available and facilitate a "meaningful opportunity" for those excluded from the quota plan schools to attend other integrated or educationally comparable quality schools. Stated otherwise, a school system may choose to adopt a racial quota school assignment plan for the purpose of fostering integration. Despite the race-conscious base for such a plan, it will survive constitutional challenge if (i) the quotas restrict the opportunities of minority youngsters only to the extent absolutely necessary to promote integration, and (ii) quality education options are made available. If it were established that a more generous quota or some non-quota program could combat de facto segregation with less negative consequences to minority school

children, a challenged voluntary system would be declared unconstitutional.

The two decisions squarely addressing this issue are Johnson v. Board of Education, City of Chicago, 604 F.2d 504 (7th Cir. 1979) and Parent Association of Andrew Jackson High School v. Ambach, 598 F.2d 705 (2nd Cir. 1979).[53]

In Johnson, Chicago's Board of Education, in an effort to arrest the trend toward segregated enrollments in two Chicago public high schools, voluntarily adopted a desegregation plan, known as the "Student Racial Stabilization Quota Plan ("Plan"), which established a ceiling and racial quotas on enrollments of minorities at the two schools. The Board argued that the Plan was necessary to alleviate overcrowding and to promote integration at the two inner-city high schools, Gage Park and Morgan Park. In 1975, Gage Park enrolled a student population that was 41% white and 59% non-white, while the Morgan Park student body during this time was 37% white and 63% non-white. Both schools were over-utilized and the neighborhoods surrounding them were rapidly transforming from white to black.

Under these circumstances, the Plan was designed to hold enrollment in each school at a specified number of students with a specified racial composition. Using the Gage Park Plan as our example (Gage and Morgan had separate plans though both were similar in purpose and design), the Plan was intended to hold enrollment, which had been projected at 3100 students, to 2800 students with a racial composition,

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[53]These cases shared the common fate of remand for further review. See 664 F.2d 1069 (7th Cir. 1981) and 738 F.2d 574 (2nd Cir. 1984).

48% black, 42% white, 8% Hispanic and 2% principal's option. The selection of incoming freshman would be determined by lottery in conformity with these quotas, from separate lists of white, black and Hispanic applicants. Students would be admitted according to where they stood on their designated lists. In the 1975 lottery, for example, all of the white students who applied were admitted to Gage Park though several hundred black applicants were excluded in order to maintain the pre-established racial percentages at the school.

At the time the Plan was adopted, there were more white students than black students in public and non-public elementary schools in the Gage and Morgan Park attendance areas. Soon after the Plans were implemented, however, it became apparent that the number of white students seeking admission at each of the target high schools was less than the quota set for white students, and that the number of black and Hispanic students applying exceeded the quotas for those groups. Thus, no white students were ever denied admission as a result of the quotas, but hundreds of blacks and Hispanics were.

Under the Plan, students denied admission to either Gage or Morgan were given the option to attend any under-utilized high school in the Chicago system. Carfare to these schools, all of which were located at least 11 miles from the Gage Park neighborhood, was provided by the City. Of the 415 black students excluded from Gage as a result of the 1975 lottery, 306 enrolled in 28 other predominantly black high schools, 11 attended 6 schools with significant white enrollments, and data with respect to the remaining 99 black students were unavailable.

To challenge this Plan, the plaintiff parents brought suit

against the Chicago Board of Education alleging deprivations of their constitutional and statutory rights. The district court denied an injunction request to prevent holding the lottery, but deferred ruling on plaintiffs' motion for preliminary injunction, stating its preference for a modification of the Plans to include a voluntary busing program for students excluded from the two target schools to attend alternative integrated high schools which were available outside of the inner-city. The district court warned the Board that without any such modification, it was prepared to find the Plan unconstitutional.

The Board-proposed modification included busing (as opposed to providing carfare) to ten white or integrated schools for all students excluded from the Gage or Morgan Park areas. The court then held that the Plan as modified protected plaintiffs' constitutional rights by affording them a "meaningful" opportunity to attend a Chicago public high school in an integrated setting. Plaintiffs subsequently appealed this ruling to the Seventh Circuit.

The Seventh Circuit Court of Appeals accepted the principle that a local school board may voluntarily adopt plans to promote integration. The issue before the Court then was whether the imposition for that purpose of a racial <u>quota</u> violated the equal protection clause of the Fourteenth Amendment. Since the desegregation plan distinguished among students on the basis of race, the Court would uphold the plan only if it was proven necessary to the accomplishment of some permissible and compelling state objective, and if it constituted the least restrictive alternative available.

The Court found that the Board had a compelling interest in alleviating overcrowding and preventing de facto segregation at the two high schools. The quotas, the Court continued, were necessary to achieving that interest. Without such quotas, and indeed without any affirmative action, the Court credited predictions that these two schools, situated in rapidly changing residential neighborhoods, would inevitably become racially segregated.

The final issue for resolution, then, was whether the Board might properly consider the unpleasant realities of demographic change and the phenomenon of "white flight" in seeking to preserve integration in the public schools. The Court held that it could.

> The record in these cases substantiates the emerging patterns of population change and the concomitant phenomenon of white flight in the Gage Park and Morgan Park communities. This phenomenon cannot be ignored in any meaningful effort to preserve integration.... The exodus of white children from the public schools would disadvantage the entire community and would imperil the success of this voluntary desegregation plan. In light of these realities we are persuaded that considerations of race, and in particular, racial quotas, are a necessary means of arresting de facto segregation in the public schools.
>
> 604 F.2d at 517

Accordingly, the Court held that voluntary state action through quotas directed toward the prevention of de facto segregation in the public schools is constitutionally permissible where the racial quotas were narrowly tailored and where students affected by the quotas were "bused from their neighborhood schools <u>to a comparable school</u> ..." so that the Plan "provid[ed] all students residing in the attendance areas <u>with a meaningful opportunity</u> to attend an integrated high school." (Emphasis supplied) 604 F.2d at 518.

The only other court to address directly the issue of racial

quotas in a de facto setting was the Second Circuit in Parent Association of Andrew Jackson High School v. Ambach, discussed supra.[54] There, the court examined the constitutionality of a desegregation plan which imposed ceiling quotas on minority enrollments in some schools and closely controlled the admissions of minority children to those schools. Plaintiffs in the action were parents of minority students who were zoned to attend all-minority Andrew Jackson High School but who had the option, under the voluntary plan, to attend virtually any New York City high school that was 50% white. Plaintiffs challenged the plan, inter alia, as too restrictive of their children's opportunities for integrated education.

The Court's approach to the constitutional issues presented in Jackson parallels in many respects the Seventh Circuit's approach in Johnson. Both Courts accepted the concept of the greatest good for the greatest number; if necessary, an individual minority student could be made to suffer exclusion from an integrated or a particular integrated school in a community effort to prevent total de facto segregation of the system. Both in turn required a strict scrutiny of the plan chosen to accomplish this goal: if an individual's interest is submerged for the good of the system as a whole, or when a plan burdens or stigmatizes individual members of a minority group while benefiting other members of the same group, the restrictive means must be "precisely tailored to serve a compelling governmental interest" or "essential to promote a racially balanced community." 598 F.2d at 718.

The Johnson Court found the governmental interest in

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[54]The genesis of this case is discussed supra at pp 32-39.

promoting integration and preventing school over-crowding compelling. Similarly, in Jackson, the Court endorsed the interest of the authorities in promoting integration. The Court warned however that the Board of Education bore the burden of proving that the quota setting aside for whites 50% of all the seats in certain schools was not itself unconstitutional.

The constitutional measures, as Johnson and Jackson teach, are whether the white set-aside is as modest as possible and whether the minority students denied entry to the "integrated" schools on account of their race or ethnicity receive an educational opportunity of comparable quality.[55]

IV. Directions for the Future

We have now reviewed the current New York City high school integration plan, how it developed and the current state of school desegregation law. The questions remaining are whether the current 50/50% Controlled Rate of Change Plan is constitutional and, if it is not, what policy and plan should replace it.

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[55]The concern for comparable quality or for an alternative meaningful opportunity for integrated education has developed separately in the de facto (Johnson and Jackson) and in the de jure (e.g., Liddell) segregation cases. The development takes account of the increasingly frequent fact that many urban schools systems are so overwhelmingly minority that significantly race and ethnic mixed school populations are harder and harder to deliver.

A. The Current New York City Integration Plan is Unconstitutional

It is doubtful that the Board of Education could today successfully argue that its 1976 50/50% quota Plan satisfies the Second and Seventh Circuits' strict constitutional standard requiring that the quota be precisely tailored to accomplish the City's integration goal, constitute the least restrictive alternative to achieve that goal and that the students excluded by the quota from integrated schools are offered a meaningful opportunity to attend comparable or other integrated schools. There are several grounds upon which this conclusion rests.

1. The courts have not defined what is meant by least restrictive or precisely tailored in this context.[56] Setting aside half of the seats available in stabilized schools for a white population that (i) at most makes up 23.8% of the high school population and (ii) made up close to twice that proportion of the population when the Plan was adopted and first implemented is extremely unlikely to be viewed as either precisely tailored or the least restrictive of minority student opportunities.

As noted earlier, in 1976 the white high school population of the five boroughs was: Manhattan, 10%; Bronx 19%; Brooklyn, 41%;

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[56]Professor John Ely, in The Constitutionality of Reverse Racial Discrimination, 41 Chi. L. Rev. 723, 727, n. 26, (1974) has suggested that "narrowly tailored" should be read to mean the classification at issue must "fit" with greater precision that any alternative means. Similarly, Professor Kent Greenawalt argues that courts"... should give particularly intense scrutiny to whether a nonracial approach or a more narrowly tailored racial classification could promote the government's substantial interest about as well..." as the challenged scheme. Judicial Scrutiny of Benign Racial Preference in Law School Admissions, 75 Col. L. Rev. 559, 578-579 (1975).

Queens, 56% and Staten Island, 88%. In 1985, the comparable figures were: Manhattan 10.7%; Bronx, 10.9%; Brooklyn, 23%; Queens 32%; and Staten Island, 77.9%. To the extent that the Plan was originally justified given the proportion of whites in the system in 1976, the significant decline in white student population (particularly in the most populous boroughs) makes inevitable the conclusion that the quota plan and system for its enforcement cannot be now if it was then sufficiently precisely designed or narrowly tailored.

2. The evidence on which the 50/50% Plan was initially justified reflects that it was not even then precisely tailored. As noted at pages 36-37 above, the data offered largely relied only on projected high school enrollment figures for four boroughs and then resorted to argumentation about definitions in various statutes (some now defunct) and cases (some since overruled) which referred to 50% or more minority schools as "racially imbalanced" or "minority group isolated." In short, labels were substituted for hard data and were applied, without individual design, to all the high schools throughout the city.[57]

3. When the Plan was first imposed, it was meant to respond to the overcrowding and racial segregation experienced by the youngsters at two schools in the City high school system: Andrew Jackson High School in Queens and Erasmus Hall High School in Brooklyn. But, as noted earlier, the system of designating children from other schools in some nearly two dozen OAAs eligible to take advantage of a

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[57]Post hoc efforts to justify the data failed to meet constitutional standards. Parents Assn. of Andrew Jackson v. Ambach, 738 F. 2d 574 (2nd Cir. 1984).

Plan originally intended to benefit only the youngsters in two high schools makes obvious further that the Plan as now implemented has burst the seams of any tailoring that was done initially.[58]

4. As the proportion of whites in the system continues to drop, an increasingly serious problem of imbalance in under- and overutilization of schools will become exacerbated. Again, as noted above at pages 14-15 if one of the 50/50% schools is unable to fill half of its available seats with white children, the school will not fill half of the seats with minority children. The numbers of minorities admitted will merely match the number of whites admitted, potentially leaving a significant number of seats unused in the school. Given the concomitant overcrowding of many of the minority zoned schools, this effect of the Plan, once less problematic perhaps because of the greater systemwide numbers of whites in the schools, is becoming increasingly serious. That the 50/50% schools are in substantial numbers uncrowded relative to the non-50/50% schools is indisputable. See Exhibits F and G. That the crowding gap should be allowed to grow is indefensible.

5. Overcrowding in the minority zoned schools is only one indicator of the harm caused to minority youngsters who do not get admitted to an integrated or to a selective school or program. In addition to attending overcrowded schools, these children are attending schools that on average are offering lesser educational opportunity

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[58]The impulse to expand the opportunities of minority young people for integrated education is laudable. The concern raised here is not with the motivation to offer more rather than less integration but with the means chosen to achieve that end.

than children experience in integrated or selective schools or programs.[59] The repeated failure of non-50/50% schools to give their students the capacity to compete effectively with children in 50/50% schools on every measure we examined is a grim warning that the non-50/50% schools are failing, relative to "integrated" schools, to educate their students. This warning is one of constitutional dimension. As noted above at page 26, the Board acknowledged the need in 1963 to commit extra resources to the de facto segregated schools in the City and by 1966 reported instead the diversion of extra resources to the integration-designated receiving schools. If that pattern persists to the present, particularly within the regulated structure of the 50/50% Controlled Rate of Change Plan, then the specter of a dual school finding becomes apparent. This hypothesized misdirection of resources would be particularly pernicious in the face of steadily decreasing white student enrollments in the system if the all-minority zoned school populations, receiving the overflow of not otherwise assignable minority students, do not receive an appropriate share of the available resource pie.

If, as described, the City is responsible for having created a dual system, then children in all-minority zoned schools are being doubly deprived: they lose out not only on an integrated education by operation of the 50/50% Formula and Controlled Rate of Change Plan but they lose again in the effort to receive a quality education at a literally and figuratively poor and inadequate school. Adherence to the 50/50% Plan despite the harm that may be caused to youngsters

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[59] See discussion supra at 20-24.

obliged to attend the racially isolated schools may itself become evidence of unlawful segregative intent to maintain a dual system:

> Aside from direct statements of intent, there is an abundance of evidence from which segregative intent can be inferred. According to one of the most recent Supreme Court pronouncements on the question, one factor tending to indicate the existence of segregative intent is a school board's '[a]dherence to a particular policy or practice, with full knowledge of the predictable effects of such adherence upon racial imbalance in a school system.' Columbus Board of Education v. Penick, supra, 443 U.S. at 465.
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> Adams v. U.S., 620 F.2d at 1287.

6. The 50/50% quota and Plan may be causing exactly the problem that the Board of Education warned was to be avoided in Andrew Jackson and Erasmus Hall -- in those two cases, a problem thought so grievous as to require the Commissioner to abandon altogether efforts to integrate those two schools. The primary evil the original integration Plan was designed to prevent was described as follows:

> [E]fforts to achieve greater integration in some schools. . . [will] destroy or seriously impair the integrated status of other schools. Where demographic projections indicate that the non-white majority will continually increase with the passage of time, it is imperative that resegregation of integrated schools be avoided.
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> Commissioner's Order No. 9251, May, 1976 quoted with approval in Parent Assn. of Andrew Jackson High School v. Ambach, 598 F. 2d 705, 717 (2d Cir. 1979).

If maintenance of the 50% white quota for some schools drains an ever-decreasing number of white students away from all other schools in the system, the original evil meant to be averted will have to be confronted directly.

7. Finally, not only is the Plan unconstitutional for the foregoing reasons, it fails on the third test of the Jackson/Johnson

standard as well. The New York quota plan includes no contingency similar to the modified plan in Johnson which enabled students excluded from Morgan Park and Gage Park to attend schools of comparable educational quality. In New York City, the entire burden of the integration plan falls on the minority students who are required to attend often inferior all-minority zoned schools. As the percentage of whites in the system continues to shrink, and as the percentage of minority students rises, the inevitable result of maintaining a 50/50% quota must be to exclude an increasing number of black applicants from admission to integrated or quality schools. Such a situation cannot pass constitutional muster.

What about white flight? When the 50/50% plan was proposed in 1976, white flight was a consideration, perhaps the prime consideration, underlying the proposal. Is that concern no longer to be taken into account?

First, due to demographic forces which no particular school integration plan can reverse, middle class white and minority children have been abandoning large urban public school systems, including the New York City system, for the past twenty years. No amount of tinkering with the City's 50/50% plan can reverse what is undeniably a national phenomenon.

Secondly, and much more importantly, so long as the real disgraces exist within the system -- the most overcrowded and least successful among the schools continue to be places to which students are assigned -- then families with options to go elsewhere will. Only when the worst of the schools have been turned around and the quality

of the entire system improves, will the public schools be able to retain and to attract back those children for whom the quality of their schools and not the race of their classmates will determine where they will want to go to school and to be educated.

B. Alternatives to the Current System

Several principles underlie our exploration of the alternatives to New York City's current integration Plan and policy. First, the goal of achieving race and ethnic mixing in the City's schools is a desirable one and ought to be pursued. Second, to the extent that any policy adopted for the future will inevitably leave some schools in a segregated state, the students in those schools must have an opportunity for a quality education at least comparable to that enjoyed by children in integrated schools. Finally, any plan or program that overvalues the participation of whites in the City schools -- resulting in unlawful restrictions on the educational opportunities of minority children -- either through the direct operation of a quota plan or through the direction of disproportionately low resources to schools where minority children predominate, is vulnerable to attack as a conscious, de jure policy to create and maintain a dual school system. Having in mind those predicates, we suggest that the Board of Education consider the following.

1. Should the City abandon a quota based plan?

Quotas create problems. One option is to consider an integration strategy that is not quota-based. This might be accomplished by a comprehensive, City-wide school rezoning effort that would examine current housing patterns, transportation lines and travel

times and similar appropriate factors with a view to drawing new school zones to achieve the maximum possible "natural" integration.[60]

Another alternative to quotas may be simply to free the system of any zoning at all and to allow youngsters to compete for places in selective programs and in non-selective programs, choosing the best schools they can be admitted to anywhere in the system.

The obvious first objection to an unzoned proposal is that some youngsters will not gain admission to any schools of their choice and will perforce end up at inferior schools which, unlike their own zoned schools, may not have even the virtue of neighborhood proximity. There may be other significant drawbacks to this proposal, but, like rezoning, it is at least worthy of consideration.

2. If a quota is adopted, how should the quota be established?

If a new integration plan were to rest on a quota, that quota could reflect the demography of the system. Using this measure, the quota for whites would be no greater than the proportion of whites in the relevant school population.[61] Alternatively, a quota could be set to secure more seats in an integrated school than would be available to students of a particular race if the quota were demographically based. We would term this a "race-advantaged" quota. Stated in numerical terms, if white students were 23% of the total relevant population.

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[60]Even rezoning the high schools, however, may not achieve integration. So long as students can opt out of their zoned schools by going into Ed.Op. schools or programs or into screened programs, the integration results predicted after a hypothetical rezoning of the City might not materialize.

[61]This was the quota measure applied in the Mark Twain case and originally ordered in the Andrew Jackson and Erasmus Hall decisions by the New York State Commissioner of Education.

then a demographically based white quota in any integrated school would be at or about 23%. If the set-aside for white students were pegged above 23%, for example, at 30% or 40%, then such a white quota would be a race-advantaged one.

There are advantages and disadvantages to choosing either of these two models. First, the proportion of whites in the system City-wide (with the exception of Staten Island) is quite low. See Exhibit B1-B6 attached hereto. A demographically based quota for whites, calculated City-wide or borough by borough, would yield relatively low numbers. At most, including all five boroughs in the calculation, the white high school population available to participate in an integration program in 1985 was only 23% of the system.[62] In some boroughs, it was much less, e.g., in Manhattan, just over 5%.

The first and most obvious question is whether a school enrolling a trifling white population is by any reasoning "integrated." One approach to responding to this concern arises out of the social science that has measured the beneficial effects of integration. The Board should seek to determine whether those effects obtain for students in, for example, 5% white/95% minority schools or in 25% white/75% minority schools.[63] Also useful may be a review of the judicial opinions which have addressed this issue. See, for example,

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[62]This calculation assumes, for example, that the State-mandated special schools are not included in a quota-based integration plan.

[63]See studies demonstrating that desegregated education improves educational and job prospects for minorities, promotes long-term interracial social patterns and yields other human and societal benefits. Hochschild, The New American Dilemma, Yale University Press, 1984.

Brunson v. Board of Trustees, 429 F.2d 820 (4th Cir. 1970), Bradley v. School Board of Richmond, Virginia, 462 F.2d 1058 (4th Cir. 1972), and Bradley v. Milliken, 540 F.2d 229 (6th Cir. 1976). The cases split in their approach to and resolution of the question. The opinions, nonetheless, shed light on the problem.

Low, demographically based white integration quotas, then, carry the double risk of accomplishing little that might be thought of as real integration and of accelerating white abandonment of the system. Higher, white race-advantaged quotas contain other risks. First, any quota set too high will unconstitutionally restrict the educational opportunities of minority children. Second, setting aside for whites a number of seats in some schools beyond the proportion of whites in the community will necessarily mean that other schools will be or will become minority schools. Third, quotas, especially high white quotas, reinforce the probability that quota-controlled schools will be underutilized while zoned minority schools remain overcrowded. Finally, in order to prevent carefully-tailored race advantaged quotas from becoming outdated -- and hence unconstitutional -- the set-asides frequently must be re-evaluated and re-calibrated as necessary.

Multi-race and multi-ethnic quotas are, in contemplation, more desirable than white/minority quotas. By multi-race, multi-ethnic quotas we mean that a school would be stabilized for integration, using City-wide figures, at 6% Asian, 45% black, 30% Hispanic and 24% white. Obviously, some elasticity would have to be built into achieving each

part of the quota, but the percentages suggested would be the target.[64]

Alternatively, the system might compromise by creating a mainstream/minority quota. Counted in the mainstream numbers would be whites and Asians, in the minority, blacks and Hispanics.[65] Whites and Asians together constitute 30% of the relevant City-wide high school population -- a number which standing on its own or with some augmentation suggests a possible starting point for designing a carefully tailored plan.

3. If a quota is established how should it be implemented?

Various possibilities suggest themselves as bases for implementing a new quota plan. One is to treat the quota as applicable to each school in the system. The failure of a school, however, to attract its designated proportion of quota students would potentially severely restrict its overall utilization and perhaps even its capacity to function. A school with the capacity to enroll 2000 youngsters, currently enrolling, for example, only 60 whites, could enroll only 136 minority students if it were to maintain a 30% white quota obligation. Such a result is not unimaginable as there is evidence suggesting that some schools in the City system, perceived as minority schools, simply cannot attract significant numbers of white children.[66]

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[64]The same concept could be applied not on a City-wide basis but rather borough by borough or otherwise.

[65]For a fuller explanation of this notion, which proceeds from the assumption that Asian students may not have suffered race-based educational isolation and deprivation, see Report of Dr. Gary Orfield in Crawford v. Board of Education of the City of Los Angeles, Case No. 822-854 Superior Court of the State of California for the County of Los Angeles, Nov. 14, 1978.

[66]See, e.g., Andrew Jackson history, supra, at 32-39.

Another option is to limit the operation of a quota to certain boroughs where the high school population is in fact quite mixed -- i.e., Queens and Brooklyn.[67] This proposal would allow the establishment of white quotas which might even be achievable through re-zoning rather than through a cumbersome Optional Assignment process.

Another option is to settle on an optimum overall quota -- if the decision is made to commit to a quota-based plan -- and then to stabilize, at a minimum, every school in the system which reflects that student population. Indeed, that was rather like what the Board of Education did in 1976 when it implemented the current Plan. But the new program would not stop at the point of settling on an optimum number and applying it across the board. The number would be only the starting point of an inquiry that examined each school with the potential to have a stable student population of mixed race and ethnicity. This effort would involve careful expert study and leadership and communication skills at the Board and City-wide political level to launch the effort successfully.

Finally, the interplay of forces that may limit integration efforts must be taken into account whether an unzoned, rezoned or quota plan is adopted. Among those forces are (a) the stability of the schools facing a new integration plan; (b) the availability of public transportation that would offer students a meaningful opportunity to

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[67] Manhattan and the Bronx have such low borough-wide white enrollments and between them even now have only two schools even close to eligibility for participation in the OZI integration program that perhaps those boroughs may not be the focus of the next generation of serious integration efforts. Staten Island is subject to a federally-ordered integration plan which, for the near future, may have to suffice. See Exhibit O attached hereto.

attend a quality school; (c) the need to re-examine periodically and re-adjust any quota or zoning plan adopted; and (d) the cross cutting effect on any carefully crafted integration plan of selective school and/or selective program high school admissions.

Conclusion

The Board of Education cannot delay an examination of its voluntary integration program which as long as eight years ago was subject to constitutional question. Parents Association of Andrew Jackson v. Ambach, 598 F.2d 705 (2d Cir. 1979). There is reason to believe that in the intervening years, the situation for the education of minority youngsters in this City has deteriorated.[68] At a most basic level, while three-quarters of all students in New York City's high schools are minority children, only 12% of those minority youngsters attend Board-defined "integrated" schools. Most, 57% of the minority students, attend schools which are 95-100% minority schools. For the vast majority of the City's minority youngsters in high school, integration is not a fact in their lives.

For the City's white children, the situation is radically different. Almost 56% of these young people attend schools which, by operation of the integration plan, are 50% or more white schools.

Were the integration plan failing only because it accomplished so little in the way of integrated education for the City's minority youth, the situation would be regrettable but not constitutionally alarming. Failure to achieve significant integration,

[68]See Public High Schools: Private Admissions, supra at note 14.

however, is not the worst aspect of the City's integration program. By far the most serious consequence of the plan is that it facilitates the assignment of minority children away from the schools offering better conditions of education (as reflected, for example, in the utilization data on the schools) and better educational opportunities (as evidenced in the starkly contrasting educational results reflected in the CAR data, reading and math test statistics revealed above).

For the City to turn a blind eye to the differing opportunities for quality education offered to white as compared to minority children through the assignment and admissions device of the City's 50/50% Controlled Rate of Change Plan leaves the City vulnerable to a challenge of intentional race and ethnic discrimination in its high schools. Both to offer all of its students the best education available and to more effectively pursue its goal of integration in the schools, the Board of Education should now evaluate its integration Plan and alter it to suit the City's and its students' educational aspirations.

EXHIBITS A - O

BOARD OF EDUCATION OF THE CITY OF NEW YORK
OFFICE OF STUDENT INFORMATION SERVICES

ANNUAL SCHOOL CENSUS - OCT. 1985
PUPIL ETHNIC COMPOSITION REPORT

MANHATTAN DISTRICT 78

SCHOOL	AMERICAN INDIAN	ASIAN	HISPANIC	NNNOT HISPANICNN BLACK	WHITE	TOTAL		MALE	FEMALE
435 MATH & SCIENCE	1	14	448	590	31	1,084	N	529	555
	0.1%	1.3%	41.3%	54.4%	2.9%	100.0%	N	48.8%	51.2%
440 H.S. HUMANITIES	3	114	369	289	628	1,403	N	646	757
	0.2%	8.1%	26.3%	20.6%	44.8%	100.0%	N	46.0%	54.0%
445 SOUARE PK.	2	1,349	1,690	471	99	3,611	N	1,899	1,712
	0.1%	37.4%	46.8%	13.0%	2.7%	100.0%	N	52.6%	47.4%
460 WASH. IRVING	2	134	704	1,767	35	2,642	N		2,642
	0.1%	5.1%	26.6%	66.9%	1.3%	100.0%	N	0.0%	100.0%
465 C. WASHINGTON		37	2,703	626	35	3,401	N	1,838	1,563
	0.0%	1.1%	79.5%	18.4%	1.0%	100.0%	N	54.0%	46.0%	
470 BRANDEIS		35	1,621	1,169	19	2,844	N	1,416	1,428
	0.0%	1.2%	57.0%	41.1%	0.7%	100.0%	N	49.8%	50.2%
475 STUYVESANT	3	973	94	193	1,403	2,666	N	1,573	1,093
	0.1%	36.5%	3.5%	7.2%	52.6%	100.0%	N	59.0%	41.0%
480 J. RICHMAN		58	1,252	1,905	118	3,333	N	1,270	2,063
	0.0%	1.7%	37.6%	57.2%	3.5%	100.0%	N	38.1%	61.9%
485 LAGUARDIA	2	157	396	806	1,169	2,530	N	940	1,590
	0.1%	6.2%	15.7%	31.9%	46.2%	100.0%	N	37.2%	62.8%
490 M.L. KING	1	173	648	1,955	23	2,800	N	1,425	1,375
	0.0%	6.2%	23.1%	69.8%	0.8%	100.0%	N	50.9%	49.1%
520 M. BERETRAM		292	946	1,510	195	2,943	N	885	2,058
	0.0%	9.9%	32.1%	51.3%	6.6%	100.0%	N	30.1%	69.9%
535 PARK WEST		82	1,320	1,535	66	3,003	N	2,108	895
	0.0%	2.7%	44.0%	51.1%	2.2%	100.0%	N	70.2%	29.8%
540 A.P. RANDOLPH	1	11	334	1,175	12	1,533	N	528	1,005
	0.1%	0.7%	21.8%	76.6%	0.8%	100.0%	N	34.4%	65.6%
620 N. THOMAS	4	228	1,288	1,377	71	2,968	N	736	2,232
	0.1%	7.7%	43.4%	46.4%	2.4%	100.0%	N	24.8%	75.2%
L-340	19	3,657	13,813	15,368	3,904	36,761	N	15,793	20,968
	0.1%	9.9%	37.6%	41.8%	10.6%	100.0%	N	43.0%	57.0%
600 FASHION IND.	6	134	792	963	108	2,003	N	211	1,792
	0.3%	6.7%	39.5%	48.1%	5.4%	100.0%	N	10.5%	89.5%
615 CHELSEA	2	22	561	528	57	1,170	N	1,020	150
	0.2%	1.9%	47.9%	45.1%	4.9%	100.0%	N	87.2%	12.8%
625 GRAPHIC COMM. ARTS		12	494	1,152	33	1,691	N	1,015	676
	0.0%	0.7%	29.2%	68.1%	2.0%	100.0%	N	60.0%	40.0%
630 ART & DESIGN	4	166	762	680	517	2,129	N	1,494	635
	0.2%	7.8%	35.8%	31.9%	24.3%	100.0%	N	70.2%	29.8%
660 H. BACON		29	602	624	19	1,274	N	281	993
	0.0%	2.3%	47.3%	49.0%	1.5%	100.0%	N	22.1%	77.9%
L-350	12	363	3,211	3,947	734	8,267	N	4,021	4,246
	0.1%	4.4%	38.8%	47.7%	8.9%	100.0%	N	48.6%	51.4%

EXHIBIT 1

ANNUAL SCHOOL CENSUS - OCT. 1985
PUPIL ETHNIC COMPOSITION REPORT

MANHATTAN

DISTRICT 78

SCHOOL	AMERICAN INDIAN	ASIAN	HISPANIC	**NOT HISPANIC** BLACK	WHITE	TOTAL		MALE	FEMALE
495 PARK EAST	3	3	326	152	4	485		225	260
	0.6%	0.6%	67.2%	31.3%	0.8%	100.0%		46.4%	53.6%
505 WEST SIDE	3	0	178	313	65	559		291	268
	0.5%	0.0%	31.8%	56.0%	11.6%	100.0%		52.1%	47.9%
515 LOWER EAST SIDE	0	532	38	68	5	643		350	293
	0.0%	82.7%	5.9%	10.6%	0.8%	100.0%		54.4%	45.6%
560 CIT/AS SCHOOL	0	27	150	221	245	643		319	324
	0.0%	4.2%	23.3%	34.4%	38.1%	100.0%		49.6%	50.4%
570 SATELLITE ACAD.	1	0	236	265	234	736		309	427
	0.1%	0.0%	32.1%	36.0%	31.8%	100.0%		42.0%	58.0%
L-360	4	562	928	1,019	553	3,066		1,494	1,572
	0.1%	18.3%	30.3%	33.2%	18.0%	100.0%		48.7%	51.3%
501 UPPER MAN. OUTREACH	0	3	77	212		292		164	128
	0.0%	1.0%	26.4%	72.6%	0.0%	100.0%		56.2%	43.8%
502 LOWER MAN. OUTREACH	0	4	92	74	8	178		95	83
	0.0%	2.2%	51.7%	41.6%	4.5%	100.0%		53.4%	46.6%
510 AUXILIARY SERV.	0	167	825	838	97	1,927		1,054	873
	0.0%	8.7%	42.8%	43.5%	5.0%	100.0%		54.7%	45.3%
L-370	0	174	994	1,124	105	2,397		1,313	1,084
	0.0%	7.3%	41.5%	46.9%	4.4%	100.0%		54.8%	45.2%
911 CONTIN. ED.	0	0	67	124	1	192			192
	0.0%	0.0%	34.9%	64.6%	0.5%	100.0%		0.0%	100.0%
L-380	0	0	67	124	1	192			192
	0.0%	0.0%	34.9%	64.6%	0.5%	100.0%		0.0%	100.0%
591 OFF SITE ED.	0	1	122	129	61	313		212	101
	0.0%	0.3%	39.0%	41.2%	19.5%	100.0%		67.7%	32.3%
595 OFF SITE ED.	0	2	36	39	124	201		160	41
	0.0%	1.0%	17.9%	19.4%	61.7%	100.0%		79.6%	20.4%
L-390	0	3	158	168	185	514		372	142
	0.0%	0.6%	30.7%	32.7%	36.0%	100.0%		72.4%	27.6%
DISTR	35	4,759	19,171	21,750	5,482	51,197		22,993	28,204
	0.1%	9.3%	37.4%	42.5%	10.7%	100.0%		44.9%	55.1%

BOARD OF EDUCATION OF THE CITY OF NEW YORK
OFFICE OF STUDENT INFORMATION SERVICES

ANNUAL SCHOOL CENSUS - OCT. 1985
PUPIL ETHNIC COMPOSITION REPORT

BROOKLYN

DISTRICT 78

SCHOOL	AMERICAN INDIAN	ASIAN	HISPANIC	NOT HISPANIC BLACK	NOT HISPANIC WHITE	TOTAL	MALE	FEMALE
426 J. MADISON SEN.	0.0%	0.0%	4 9.3%	10 23.3%	29 67.4%	43 100.0%	23	20
526 E. MURROW SEN.	0.0%	2 6.1%	6 18.2%	8 24.2%	17 51.5%	33 100.0%	53.5%	46.5%
I-330	0.0%	2 2.6%	10 13.2%	18 23.7%	46 60.5%	76 100.0%	15 45.5%	18 54.5%
400 LAFAYETTE	1 0.0%	115 4.5%	365 14.3%	816 31.9%	1,259 49.3%	2,556 100.0%	38 50.0%	38 50.0%
405 MIDWOOD	1 0.0%	174 6.6%	234 8.9%	810 30.9%	1,406 53.6%	2,625 100.0%	1,382 54.1%	1,174 45.9%
410 A. LINCOLN	0.0%	112 5.8%	326 16.9%	643 33.3%	852 44.1%	1,933 100.0%	1,215 46.3%	1,410 53.7%
415 S. TILDEN	0.0%	12 0.4%	110 4.0%	2,613 95.4%	5 0.2%	2,740 100.0%	1,021 52.8%	912 47.2%
420 F.K. LANE	0.0%	6 128	1,828	820	1,581	4,363	1,380 50.4%	1,360 49.6%
425 J. MADISON	0.1% 8	2.9% 209	41.9% 285	18.8% 1,034	36.2% 1,518	100.0% 3,054	2,136 49.0%	2,227 51.0%
430 BKLYN. TECH	0.3% 14	6.8% 1,053	9.3% 589	33.9% 1,811	49.7% 829	100.0% 4,296	1,482 48.5%	1,572 51.5%
435 T. JEFFERSON	0.0%	24.5%	13.7% 517	42.2% 1,701	19.3%	100.0% 2,218	2,695 62.7%	1,601 37.3%
440 PROSPECT HTS.	1 0.0%	0.0% 7	23.3% 215	76.7% 2,397	0.0% 1	100.0% 2,621	1,331 60.0%	887 40.0%
445 NEW UTRECHT	1 0.0%	0.3% 239	8.2% 638	91.5% 462	0.0% 1,651	100.0% 2,991	1,393 53.1%	1,228 46.9%
455 BOYS & GIRLS	0.0%	8.0% 17	21.3% 285	15.4% 3,378	55.2%	100.0% 3,680	1,486 49.7%	1,505 50.3%
460 J. JAY	0.0% 1	0.5% 59	7.7% 1,526	91.8% 1,008	0.0% 279	100.0% 2,873	1,935 52.6%	1,745 47.4%
465 ERASMUS HALL	0.0%	2.1% 71	53.1% 335	35.1% 3,510	9.7%	100.0% 3,925	1,430 49.8%	1,443 50.2%
470 G. WINGATE	0.0%	1.8% 9	8.5% 212	89.4% 2,440	0.2% 5	100.0% 2,666	2,019 51.4%	1,906 48.6%
475 EASTERN DIST.	0.0%	0.3% 32	8.0% 2,491	91.5% 798	0.2% 38	100.0% 3,359	1,436 53.9%	1,230 46.1%
480 BUSHWICK	4 0.2%	1.0% 19	74.2% 1,684	23.8% 698	1.1% 12	100.0% 2,417	1,724 51.3%	1,635 48.7%
485 TELECOMM. ARTS & TECH.	0.0%	0.8% 8	69.7% 60	28.9% 91	0.5% 121	100.0% 280	1,150 47.6%	1,267 52.4%
490 FT. HAMILTON	3 0.1%	2.9% 325 11.7%	21.4% 881 31.7%	32.5% 187 6.7%	43.2% 1,379 49.7%	100.0% 2,775 100.0%	165 58.9% 1,433 51.6%	115 41.1% 1,342 48.4%

BOARD OF EDUCATION OF THE CITY OF NEW YORK
OFFICE OF STUDENT INFORMATION SERVICES

ANNUAL SCHOOL CENSUS - OCT. 1985
PUPIL ETHNIC COMPOSITION REPORT

BRONX

DISTRICT 78

SCHOOL	AMERICAN INDIAN	ASIAN	HISPANIC	NNNOT HISPANICNN BLACK	WHITE	TOTAL		MALE	FEMALE
650 J.ADDAMS	2	9	680	780	3	1,474	N	142	1,332
	0.1%	0.6%	46.1%	52.9%	0.2%	100.0%	N	9.6%	90.4%
655 S.GOMPERS	2	7	768	904	6	1,687	N	1,301	386
	0.1%	0.4%	45.5%	53.6%	0.4%	100.0%	N	77.1%	22.9%
660 G.DODGE		10	1,056	777	46	1,889	N	420	1,469
	0.0%	0.5%	55.9%	41.1%	2.4%	100.0%	N	22.2%	77.8%
L-350	4	34	3,323	3,091	87	6,539	N	3,304	3,235
	0.1%	0.5%	50.8%	47.3%	1.3%	100.0%	N	50.5%	49.5%
480 BX.REGIONAL	2								
	0.5%	0.0%	181	194		377	N	180	197
580 LITERACY CTR.			48.0%	51.5%	0.0%	100.0%	N	47.7%	52.3%
	0.0%	0.0%	57	52		109	N	61	48
L-360	2		52.3%	47.7%	0.0%	100.0%	N	56.0%	44.0%
	0.4%	0.0%	238	246		486	N	241	245
506 BX OUTREACH			49.0%	50.6%	0.0%	100.0%	N	49.6%	50.4%
	0.0%	0.0%	140	256	1	397	N	224	173
510 AUXILIARY			35.3%	64.5%	0.3%	100.0%	N	56.4%	43.6%
SERV.	0.0%	0.0%	371	198	9	578	N	276	302
L-370			64.2%	34.3%	1.6%	100.0%	N	47.8%	52.2%
	0.0%	0.0%	511	454	10	975	N	500	475
921 H.NELSON			52.4%	46.6%	1.0%	100.0%	N	51.3%	48.7%
	0.0%	1	111	111		223	N		223
L-380		0.4%	49.8%	49.8%	0.0%	100.0%	N	0.0%	100.0%
	0.0%	1	111	111		223	N		223
		0.4%	49.8%	49.8%	0.0%	100.0%	N	0.0%	100.0%
591 OFFSITE ED.	1								
	0.9%	0.0%	51	37	17	106	N	86	20
L-390			48.1%	34.9%	16.0%	100.0%	N	81.1%	18.9%
	1		51	37	17	106	N	86	20
	0.9%	0.0%	48.1%	34.9%	16.0%	100.0%	N	81.1%	18.9%
DISTR	47	1,981	24,822	19,922	5,712	52,484	N	27,423	25,061
	0.1%	3.8%	47.3%	38.0%	10.9%	100.0%	N	52.3%	47.7%

BOARD OF EDUCATION OF THE CITY OF NEW YORK
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ANNUAL SCHOOL CENSUS - OCT. 1985
PUPIL ETHNIC COMPOSITION REPORT

BRONX

DISTRICT 78

SCHOOL	AMERICAN INDIAN	ASIAN	HISPANIC	NNNOT HISPANICNN BLACK	WHITE	TOTAL	N	MALE	FEMALE
401 Morris G&D.			27	17		44	N	23	21
	0.0%	0.0%	61.4%	38.6%	0.0%	100.0%	N	52.3%	47.7%
416 Columbus G&D		1	4	4	14	23	N	10	13
	0.0%	4.3%	17.4%	17.4%	60.9%	100.0%	N	43.5%	56.5%
436 T. Roosevelt G&D			40	17		57	N	25	32
	0.0%	0.0%	70.2%	29.8%	0.0%	100.0%	N	43.9%	56.1%
451 Stevenson G&D			14	6		20	N	7	13
	0.0%	0.0%	70.0%	30.0%	0.0%	100.0%	N	35.0%	65.0%
L-330		1	85	44	14	144	N	65	79
	0.0%	0.7%	59.0%	30.6%	9.7%	100.0%	N	45.1%	54.9%
400 Morris		6	1,201	821		2,028	N	1,034	994
	0.0%	0.3%	59.2%	40.5%	0.0%	100.0%	N	51.0%	49.0%
405 Lehman		66	700	430	1,152	2,348	N	1,213	1,135
	0.0%	2.8%	29.8%	18.3%	49.1%	100.0%	N	51.7%	48.3%
410 Taft	13	124	1,658	1,207	14	3,016	N	1,597	1,419
	0.4%	4.1%	55.0%	40.0%	0.5%	100.0%	N	53.0%	47.0%
415 Columbus	4	148	798	555	1,263	2,768	N	1,394	1,374
	0.1%	5.3%	28.8%	20.1%	45.6%	100.0%	N	50.4%	49.6%
420 Monroe	6	9	1,489	589	6	2,099	N	1,118	981
	0.3%	0.4%	70.9%	28.1%	0.3%	100.0%	N	53.3%	46.7%
425 Evander Childs	6	48	1,232	2,174	57	3,517	N	1,866	1,651
	0.2%	1.4%	35.0%	61.8%	1.6%	100.0%	N	53.1%	46.9%
430 Walton	3	203	1,796	1,708	32	3,742	N	1,593	2,149
	0.1%	5.4%	48.0%	45.6%	0.9%	100.0%	N	42.6%	57.4%
435 T. Roosevelt	2	303	2,006	1,137	22	3,470	N	1,838	1,632
	0.1%	8.7%	57.8%	32.8%	0.6%	100.0%	N	53.0%	47.0%
440 DeWitt Clinton		39	1,976	1,973	38	4,026	N	2,742	1,284
	0.0%	1.0%	49.1%	49.0%	0.9%	100.0%	N	68.1%	31.9%
445 Bx. Science	4	670	242	332	1,759	3,007	N	1,734	1,273
	0.1%	22.3%	8.0%	11.0%	58.5%	100.0%	N	57.7%	42.3%
450 Stevenson		45	2,844	1,914	74	4,877	N	2,514	2,363
	0.0%	0.9%	58.3%	39.2%	1.5%	100.0%	N	51.5%	48.5%
455 Truman	2	36	448	1,594	310	2,390	N	1,207	1,183
	0.1%	1.5%	18.7%	66.7%	13.0%	100.0%	N	50.5%	49.5%
470 So. Bronx			802	180	2	984	N	452	532
	0.0%	0.0%	81.5%	18.3%	0.2%	100.0%	N	45.9%	54.1%
475 J.F. Kennedy		248	3,311	1,325	855	5,739	N	2,925	2,814
	0.0%	4.3%	57.7%	23.1%	14.9%	100.0%	N	51.0%	49.0%
L-340	40	1,945	20,503	15,939	5,584	44,011	N	23,227	20,784
	0.1%	4.4%	46.6%	36.2%	12.7%	100.0%	N	52.8%	47.2%
600 A. Smith		8	819	630	32	1,489	N	1,441	48
	0.0%	0.5%	55.0%	42.3%	2.1%	100.0%	N	96.8%	3.2%

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PUPIL ETHNIC COMPOSITION REPORT

BROOKLYN

DISTRICT 78

SCHOOL	AMERICAN INDIAN	ASIAN	HISPANIC	××NOT HISPANIC×× BLACK	WHITE	TOTAL	×	MALE	FEMALE
495 SHEEPSHEAD BAY	5	191	256	893	1,410	2,755	×	1,351	1,404
	0.2%	6.9%	9.3%	32.4%	51.2%	100.0%	×	49.0%	51.0%
500 CANARSIE		86	207	761	958	2,012	×	981	1,031
	0.0%	4.3%	10.3%	37.8%	47.6%	100.0%	×	48.8%	51.2%
505 F.D. ROOSEVELT	14	388	858	442	1,813	3,515	×	1,760	1,755
	0.4%	11.0%	24.4%	12.6%	51.6%	100.0%	×	50.1%	49.9%
515 SOUTH SHORE		119	275	1,434	1,997	3,825	×	1,953	1,872
	0.0%	3.1%	7.2%	37.5%	52.2%	100.0%	×	51.1%	48.9%
525 E. MURROW	3	324	403	741	1,502	2,973	×	1,335	1,638
	0.1%	10.9%	13.6%	24.9%	50.5%	100.0%	×	44.9%	55.1%
540 J. DEWEY	6	184	716	1,186	1,506	3,598	×	1,336	2,262
	0.2%	5.1%	19.9%	33.0%	41.9%	100.0%	×	37.1%	62.9%
600 C. DARTON	3	23	393	1,877	11	2,307	×	334	1,973
	0.1%	1.0%	17.0%	81.4%	0.5%	100.0%	×	14.5%	85.5%
625 PAUL ROBESON	1		35	240		276	×	168	108
	0.4%	0.0%	12.7%	87.0%	0.0%	100.0%	×	60.9%	39.1%
655 S. HALE		5	626	1,698	8	2,337	×	841	1,496
	0.0%	0.2%	26.8%	72.7%	0.3%	100.0%	×	36.0%	64.0%
L-340	72	3,909	16,350	34,489	20,150	74,970	×	36,872	38,098
	0.1%	5.2%	21.8%	46.0%	26.9%	100.0%	×	49.2%	50.8%
605 WESTINGHOUSE		40	459	1,515	8	2,022	×	1,601	421
	0.0%	2.0%	22.7%	74.9%	0.4%	100.0%	×	79.2%	20.8%
610 AUTOMOTIVE TRADES	2	15	622	806	43	1,488	×	1,462	26
	0.1%	1.0%	41.8%	54.2%	2.9%	100.0%	×	98.3%	1.7%
615 EASTNEWYORK		18	438	874	5	1,335	×	1,076	259
	0.0%	1.3%	32.8%	65.5%	0.4%	100.0%	×	80.6%	19.4%
620 W. GRADY		20	288	689	686	1,683	×	1,525	158
	0.0%	1.2%	17.1%	40.9%	40.8%	100.0%	×	90.6%	9.4%
650 E. WHITNEY	5	10	612	1,026	39	1,692	×	1,034	658
	0.3%	0.6%	36.2%	60.6%	2.3%	100.0%	×	61.1%	38.9%
660 W. MARSHALL	2		415	953	2	1,372	×	227	1,145
	0.1%	0.0%	30.2%	69.5%	0.1%	100.0%	×	16.5%	83.5%
L-350	9	103	2,834	5,863	783	9,592	×	4,925	2,667
	0.1%	1.1%	29.5%	61.1%	8.2%	100.0%	×	72.2%	27.8%
520 PACIFIC			123	306	3	432	×	240	192
	0.0%	0.0%	28.5%	70.8%	0.7%	100.0%	×	55.6%	44.4%
565 REDIRECTION			93	456	1	550	×	250	300
	0.0%	0.0%	16.9%	82.9%	0.2%	100.0%	×	45.5%	54.5%
575 STREET ACADEMY			24	273	1	298	×	174	124
	0.0%	0.0%	8.1%	91.6%	0.3%	100.0%	×	58.4%	41.6%
L-360			240	1,035	5	1,280	×	664	616
	0.0%	0.0%	18.8%	80.9%	0.4%	100.0%	×	51.9%	48.1%

ANNUAL SCHOOL CENSUS - OCT. 1985
PUPIL ETHNIC COMPOSITION REPORT

BROOKLYN

DISTRICT 78

SCHOOL	AMERICAN INDIAN	ASIAN	HISPANIC	**NOT HISPANIC** BLACK	WHITE	TOTAL		MALE	FEMALE
510 AUXILIARY SERV.	0	21	499	972	111	1,603	*	807	796
	0.0%	1.3%	31.1%	60.6%	6.9%	100.0%	*	50.3%	49.7%
511 860 STY OUTREACH	0	1	28	279		308	*	155	153
	0.0%	0.3%	9.1%	90.6%	0.0%	100.0%	*	50.3%	49.7%
512 BUSHWICK OUTREACH	0	1	194	225	6	426	*	242	184
	0.0%	0.2%	45.5%	52.8%	1.4%	100.0%	*	56.8%	43.2%
580 LITERACY CTR.	0	0	8	130		138	*	82	56
	0.0%	0.0%	5.8%	94.2%	0.0%	100.0%	*	59.4%	40.6%
L-370	0	23	729	1,606	117	2,475	*	1,286	1,189
	0.0%	0.9%	29.5%	64.9%	4.7%	100.0%	*	52.0%	48.0%
931 TEEN AID			48	100	1	149	*		149
932 COMMUNITY SCHOOL	0	0	13	69		82	*	0	82
	0.0%	0.0%	15.9%	84.1%	0.0%	100.0%	*	0.0%	100.0%
L-380	0	0	61	169	1	231	*		231
	0.0%	0.0%	26.4%	73.2%	0.4%	100.0%	*	0.0%	100.0%
591 OFFSITE ED.	1	2	104	68	68	243	*	146	97
	0.4%	0.8%	42.8%	28.0%	28.0%	100.0%	*	60.1%	39.9%
L-390	1	2	104	68	68	243	*	146	97
	0.4%	0.8%	42.8%	28.0%	28.0%	100.0%	*	60.1%	39.9%
DISTR	82	4,039	20,328	43,248	21,170	88,867	*	45,931	42,936
	0.1%	4.5%	22.9%	48.7%	23.8%	100.0%	*	51.7%	48.3%

BOARD OF EDUCATION OF THE CITY OF NEW YORK
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ANNUAL SCHOOL CENSUS - OCT. 1985
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QUEENS

DISTRICT 78

SCHOOL	AMERICAN INDIAN	ASIAN	HISPANIC	××NOT HISPANIC×× BLACK	WHITE	TOTAL	×	MALE	FEMALE
400 A.MARTIN	3	27	247	1,989	9	2,275	×	1,275	1,000
	0.1%	1.2%	10.9%	87.4%	0.4%	100.0%	×	56.0%	44.0%
410 BEACH CHANNEL	3	28	365	1,004	883	2,283	×	1,256	1,027
	0.1%	1.2%	16.0%	44.0%	38.7%	100.0%	×	55.0%	45.0%
415 J. CARDOZO	3	425	191	746	1,303	2,668	×	1,376	1,292
	0.1%	15.9%	7.2%	28.0%	48.8%	100.0%	×	51.6%	48.4%
420 SPRINGFIELD GDNS.	1	13	82	2,056	149	2,301	×	1,121	1,180
	0.0%	0.6%	3.6%	89.4%	6.5%	100.0%	×	48.7%	51.3%
425 J. BONNE	7	541	1,074	711	810	3,143	×	1,505	1,638
	0.2%	17.2%	34.2%	22.6%	25.8%	100.0%	×	47.9%	52.1%
430 F. LEWIS	13	319	237	357	970	1,896	×	941	955
	0.7%	16.8%	12.5%	18.8%	51.2%	100.0%	×	49.6%	50.4%
435 M. VAN BOREN	1	113	224	727	1,094	2,158	×	1,049	1,109
	0.0%	5.2%	10.4%	33.7%	50.7%	100.0%	×	48.6%	51.4%
440 FOREST HILLS	10	410	360	620	1,705	3,105	×	1,493	1,612
	0.3%	13.2%	11.6%	20.0%	54.9%	100.0%	×	48.1%	51.9%
445 W. BRYANT	10	485	853	476	1,328	3,152	×	1,593	1,559
	0.3%	15.4%	27.1%	15.1%	42.1%	100.0%	×	50.5%	49.5%
450 L.I.C.	1	234	634	317	1,003	2,189	×	1,121	1,068
	0.0%	10.7%	29.0%	14.5%	45.8%	100.0%	×	51.2%	48.8%
455 NEWTOWN	1	916	2,227	438	625	4,207	×	2,207	2,000
	0.0%	21.8%	52.9%	10.4%	14.9%	100.0%	×	52.5%	47.5%
460 FLUSHING	1	328	656	460	696	2,141	×	1,068	1,073
	0.0%	15.3%	30.6%	21.5%	32.5%	100.0%	×	49.9%	50.1%
465 FAR ROCKAWAY	0.0%	90	578	1,643	222	2,533	×	1,207	1,326
		3.6%	22.8%	64.9%	8.8%	100.0%	×	47.7%	52.3%
470 JAMAICA	1	276	580	1,177	639	2,673	×	1,336	1,337
	0.0%	10.3%	21.7%	44.0%	23.9%	100.0%	×	50.0%	50.0%
475 RICHMOND HILL	1	182	647	241	885	1,956	×	945	1,011
	0.1%	9.3%	33.1%	12.3%	45.2%	100.0%	×	48.3%	51.7%
480 J. ADAMS	6	128	607	879	1,554	3,174	×	1,639	1,535
	0.2%	4.0%	19.1%	27.7%	49.0%	100.0%	×	51.6%	48.4%
485 G. CLEVELAND	3	103	893	421	1,569	2,989	×	1,387	1,602
	0.1%	3.4%	29.9%	14.1%	52.5%	100.0%	×	46.4%	53.6%
490 A. JACKSON	1	9	56	2,884	5	2,955	×	1,469	1,486
	0.0%	0.3%	1.9%	97.6%	0.2%	100.0%	×	49.7%	50.3%
495 BAYSIDE	4	195	121	887	1,305	2,512	×	1,293	1,219
	0.2%	7.8%	4.8%	35.3%	52.0%	100.0%	×	51.5%	48.5%
505 HILLCREST	8	447	865	1,511	852	3,683	×	1,636	2,047
	0.2%	12.1%	23.5%	41.0%	23.1%	100.0%	×	44.4%	55.6%
525 TOWNSEND HARRIS	61	43	99	209	412	×	130	282
	0.0%	14.8%	10.4%	24.0%	50.7%	100.0%	×	31.6%	68.4%

ANNUAL SCHOOL CENSUS - OCT. 1985
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QUEENS DISTRICT 78

SCHOOL	AMERICAN INDIAN	ASIAN	HISPANIC	**NOT HISPANIC** BLACK	WHITE	TOTAL		MALE	FEMALE
L-340	77	5,330	11,540	19,643	17,815	54,405	*	27,047	27,358
	0.1%	9.8%	21.2%	36.1%	32.7%	100.0%	*	49.7%	50.3%
600 QUEENS	1	38	474	418	531	1,462	*	704	758
	0.1%	2.6%	32.4%	28.6%	36.3%	100.0%	*	48.2%	51.8%
610 AVIATION		288	987	394	638	2,307	*	2,205	102
	0.0%	12.5%	42.8%	17.1%	27.7%	100.0%	*	95.6%	4.4%
620 T. EDISON		109	375	878	537	1,899	*	1,635	264
	0.0%	5.7%	19.7%	46.2%	28.3%	100.0%	*	86.1%	13.9%
L-350	1	435	1,836	1,690	1,706	5,668	*	4,544	1,124
	0.0%	7.7%	32.4%	29.8%	30.1%	100.0%	*	80.2%	19.8%
520 HIGHLE college		26	197	97	234	554	*	243	311
	0.0%	4.7%	35.6%	17.5%	42.2%	100.0%	*	43.9%	56.1%
L-360		26	197	97	234	554	*	243	311
	0.0%	4.7%	35.6%	17.5%	42.2%	100.0%	*	43.9%	56.1%
510 AUXILIARY SCH		31	429	746	434	1,640	*	932	708
	0.0%	1.9%	26.2%	45.5%	26.5%	100.0%	*	56.8%	43.2%
516 QUEENS OUTREACH		12	112	134	53	311	*	179	132
	0.0%	3.9%	36.0%	43.1%	17.0%	100.0%	*	57.6%	42.4%
L-370		43	541	880	487	1,951	*	1,111	840
	0.0%	2.2%	27.7%	45.1%	25.0%	100.0%	*	56.9%	43.1%
941 IDA NELLS		3	17	98	2	120	*		120
	0.0%	2.5%	14.2%	81.7%	1.7%	100.0%	*	0.0%	100.0%
L-380		3	17	98	2	120	*		120
	0.0%	2.5%	14.2%	81.7%	1.7%	100.0%	*	0.0%	100.0%
535 OFFSITE GO.			68	126	7	201	*	201	
	0.0%	0.0%	33.8%	62.7%	3.5%	100.0%	*	100.0%	0.0%
591 OFFSITE GO.		1	35	99	79	214	*	135	79
	0.0%	0.5%	16.4%	46.3%	36.9%	100.0%	*	63.1%	36.9%
596 OFFSITE GO.			133	283	11	427	*	401	26
	0.0%	0.0%	31.1%	66.3%	2.6%	100.0%	*	93.9%	6.1%
L-390		1	236	508	97	842	*	737	105
	0.0%	0.1%	28.0%	60.3%	11.5%	100.0%	*	87.5%	12.5%
DISTR	78	5,838	14,367	22,916	20,341	63,540	*	33,682	29,858
	0.1%	9.2%	22.6%	36.1%	32.0%	100.0%	*	53.0%	47.0%

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ANNUAL SCHOOL CENSUS - OCT. 1985
PUPIL ETHNIC COMPOSITION REPORT

STATEN ISLAND

DISTRICT 78

SCHOOL	AMERICAN INDIAN	ASIAN	HISPANIC	**NOT HISPANIC** BLACK	WHITE	TOTAL	*	MALE	FEMALE
440 NEW DORP	0	73	205	370	2,632	3,280	*	1,609	1,671
	0.0%	2.2%	6.3%	11.3%	80.2%	100.0%	*	49.1%	50.9%
445 PT. RICHMOND	1	47	193	328	2,055	2,624	*	1,279	1,345
	0.0%	1.8%	7.4%	12.5%	78.3%	100.0%	*	48.7%	51.3%
450 CURTIS	0	40	307	509	1,022	1,878	*	818	1,060
	0.0%	2.1%	16.3%	27.1%	54.4%	100.0%	*	43.6%	56.4%
455 TOTTENVILLE	4	85	133	68	3,553	3,843	*	1,819	2,024
	0.1%	2.2%	3.5%	1.8%	92.5%	100.0%	*	47.3%	52.7%
460 S.UMNER	1	117	153	328	2,040	2,639	*	1,355	1,284
	0.0%	4.4%	5.8%	12.4%	77.3%	100.0%	*	51.3%	48.7%
L-340	6	362	991	1,603	11,302	14,264	*	6,880	7,384
	0.0%	2.5%	6.9%	11.2%	79.2%	100.0%	*	48.2%	51.8%
600 McKEE	0	14	95	167	939	1,215	*	1,005	210
	0.0%	1.2%	7.8%	13.7%	77.3%	100.0%	*	82.7%	17.3%
L-350	0	14	95	167	939	1,215	*	1,005	210
	0.0%	1.2%	7.8%	13.7%	77.3%	100.0%	*	82.7%	17.3%
470 CONCORD	0	2	28	60	168	258	*	135	123
	0.0%	0.8%	10.9%	23.3%	65.1%	100.0%	*	52.3%	47.7%
L-360	0	2	28	60	168	258	*	135	123
	0.0%	0.8%	10.9%	23.3%	65.1%	100.0%	*	52.3%	47.7%
510 AUXILIARY SERV.	0	2	62	229	309	602	*	328	274
	0.0%	0.3%	10.3%	38.0%	51.3%	100.0%	*	54.5%	45.5%
L-370	0	2	62	229	309	602	*	328	274
	0.0%	0.3%	10.3%	38.0%	51.3%	100.0%	*	54.5%	45.5%
591 OFFSITE ED.	0	0	5	5	61	71	*	38	33
	0.0%	0.0%	7.0%	7.0%	85.9%	100.0%	*	53.5%	46.5%
L-390	0	0	5	5	61	71	*	38	33
	0.0%	0.0%	7.0%	7.0%	85.9%	100.0%	*	53.5%	46.5%
DISTR	6	380	1,181	2,064	12,779	16,410	*	8,386	8,024
	0.0%	2.3%	7.2%	12.6%	77.9%	100.0%	*	51.1%	48.9%

DISTRIBUTION OF STUDENTS BY BOROUGH*

Borough	Number of Students by Borough	Percent Student Population by Borough
Manhattan	39,832	16.4%
Bronx	47,543	19.5%
Brooklyn	80,266	33.0%
Queens	60,073	24.7%
Staten Island	15,479	6.4%
TOTAL	243,193	100%

DISTRIBUTION BY RACE OF STUDENTS IN 109 CITY HIGH SCHOOLS

American Indian	0.1%	217
Asian	5.5%	13,299
Hispanic	30.1%	73,175
Black	40.6%	98,658
White	23.8%	57,844
	100.00%	

* These data reflect the student populations of only the 96 academic comprehensive and vocational technical schools in New York City in 1985. The data are drawn from Exhibit A.

EXHIBIT B1

ABSTRACT FROM PUPIL ETHNIC COMPOSITION REPORT
OCTOBER - 1985
MANHATTAN

NAME	AMERICAN INDIAN		ASIAN		HISPANIC		BLACK		WHITE		TOTAL
A.P. RANDOLPH	1	0.1%	11	0.7%	334	21.8%	1175	76.6%	12	0.8%	1533
C.E.H. HUMANITIES	3	0.2%	114	8.1%	369	26.3%	289	20.6%	628	44.8%	1403
CHELSEA	2	0.2%	22	1.9%	561	47.9%	528	45.1%	57	4.9%	1170
GEORGE WASHINGTON	0	0.0%	37	1.1%	2703	79.5%	626	18.4%	35	1.0%	3401
H.S. ART & DESIGN	4	0.2%	166	7.8%	762	35.8%	680	31.9%	517	24.3%	2129
H.S. FASHION INDUSTRIES	6	0.3%	134	6.7%	792	39.5%	963	48.1%	108	5.4%	2003
H.S. GRAPHIC COMMUN. ARTS	0	0.0%	12	0.7%	494	29.2%	1152	68.1%	33	2.0%	1691
JULIA RICHMAN	0	0.0%	58	1.7%	1252	37.6%	1905	57.2%	118	3.5%	3333
LOUIS D. BRANDEIS	0	0.0%	35	1.2%	1621	57.0%	1169	41.1%	19	0.7%	2844
MABEL D. BACON	0	0.0%	29	2.3%	602	47.3%	624	49.0%	19	1.5%	1274
MAN. CENT. SCI. & MATH	1	0.1%	14	1.3%	448	41.3%	590	54.4%	31	2.9%	1084
M.L. KING	1	0.0%	173	6.2%	648	23.1%	1955	69.8%	23	0.8%	2800
MURRY BERGTRAUM	0	0.0%	292	9.9%	946	32.1%	1510	51.3%	195	6.6%	2943
NORMAN THOMAS	4	0.1%	228	7.7%	1288	43.4%	1377	46.4%	71	2.4%	2968
PARK WEST	0	0.0%	82	2.7%	1320	44.0%	1535	51.1%	66	2.2%	3003
SEWARD PARK	2	0.1%	1349	37.4%	1690	46.8%	471	13.0%	99	2.7%	3611
WASHINGTON IRVING	2	0.2%	134	5.1%	704	26.6%	1767	66.9%	35	1.3%	2642
TOTAL	28	0.1%	2890	7.3%	16534	41.5%	18316	45.9%	2066	5.2%	39832
											100%

EXHIBIT B2

ABSTRACT FROM PUPIL ETHNIC COMPOSITION REPORT
OCTOBER - 1985
BRONX

NAME	AMERICAN INDIAN		ASIAN		HISPANIC		BLACK		WHITE		TOTAL
ADLAI STEVENSON	0	0.0%	45	0.9%	2844	58.3%	1914	39.2%	74	1.5%	4877
ALFRED E. SMITH	0	0.0%	8	0.5%	819	55.0%	630	42.3%	32	2.1%	1489
CHRISTOPHER COLUMBUS	4	0.1%	148	5.3%	798	28.8%	555	20.1%	1263	45.6%	2764
DEWITT CLINTON	0	0.0%	39	1.0%	1976	49.1%	1973	49.0%	38	0.9%	4026
EVANDER CHILDS	6	0.2%	48	1.4%	1232	35.0%	2174	61.8%	57	1.6%	3512
GRACE H. DODGE	0	0.0%	10	0.5%	1056	55.9%	777	41.1%	46	2.4%	1889
HARRY S. TRUMAN	2	0.1%	36	1.5%	448	18.7%	1594	66.7%	310	13.0%	2388
HERBERT LEHMAN	0	0.0%	66	2.8%	700	29.8%	430	18.3%	1152	49.1%	2348
JAMES MONROE	6	0.3%	9	0.4%	1489	70.9%	589	28.1%	6	0.3%	2093
JANE ADDAMS	2	0.1%	9	0.6%	680	46.1%	780	52.9%	3	0.2%	1472
JOHN F. KENNEDY	0	0.0%	248	4.3%	3311	57.7%	1325	23.1%	855	14.9%	5739
MORRIS	0	0.0%	6	0.3%	1201	59.2%	821	40.5%	0	0.0%	2028
SAMUEL GOMPERS	2	0.1%	7	0.4%	768	45.5%	904	53.6%	6	0.4%	1685
SOUTH BRONX	0	0.0%	0	0.0%	802	81.5%	180	18.3%	2	0.2%	984
THEO. ROOSEVELT	2	0.1%	303	8.7%	2006	57.8%	1137	32.8%	22	0.6%	3468
WALTON	3	0.1%	203	5.4%	1796	48.0%	1708	45.6%	32	0.9%	3739
WILLIAM H. TAFT	13	0.4%	124	4.1%	1658	55.0%	1207	40.0%	14	0.5%	3003
TOTAL	40	0.1%	1309	2.8%	23584	49.6%	18698	39.3%	3912	8.2%	47504 100%

EXHIBIT B

ABSTRACT FROM PUPIL ETHNIC COMPOSITION REPORT
OCTOBER - 1985
BROOKLYN

NAME	AMERICAN INDIAN		ASIAN		HISPANIC		BLACK		WHITE		TOTAL
ABRAHAM LINCOLN	0	0.0%	112	5.8%	326	16.9%	643	33.3%	852	44.1%	1933
AUTOMOTIVE	2	0.1%	15	1.0%	622	41.8%	806	54.2%	43	2.9%	1488
BOYS AND GIRLS	0	0.0%	17	0.5%	285	7.7%	3378	91.8%	0	0.0%	3680
BUSHWICK	4	0.2%	19	0.8%	1684	69.7%	698	28.9%	12	0.5%	2417
CANARSIE	0	0.0%	86	4.3%	207	10.3%	761	37.8%	958	47.6%	2012
CLARA BARTON	3	0.1%	23	1.0%	393	17.0%	1877	81.4%	11	0.5%	2307
EAST NEW YORK	0	0.0%	18	1.3%	438	32.8%	874	65.5%	5	0.4%	1335
EASTERN DISTRICT	0	0.0%	32	1.0%	2491	74.2%	798	23.8%	38	1.1%	3359
EDW. R. MURROW	3	0.1%	324	10.9%	403	13.6%	741	24.9%	1502	50.5%	2973
ELI WHITNEY	5	0.3%	10	0.6%	612	36.2%	1026	60.6%	39	2.3%	1692
ERASMUS HALL	0	0.0%	71	1.8%	335	8.5%	3510	89.4%	9	0.2%	3925
F. D. ROOSEVELT	14	0.4%	388	11.0%	858	24.4%	442	12.6%	1813	51.6%	3515
FORT HAMILTON	3	0.1%	325	11.7%	881	31.7%	187	6.7%	1379	49.7%	2775
FRANKLIN K. LANE	6	0.1%	128	2.9%	1828	41.9%	820	18.8%	1581	36.2%	4363
GEORGE WESTINGHOUSE	0	0.0%	40	2.0%	459	22.7%	1515	74.9%	8	0.4%	2022
GEORGE WINGATE	0	0.0%	9	0.3%	212	8.0%	2440	91.5%	5	0.2%	2666
H.S. TELECM. ARTS	0	0.0%	8	2.9%	60	21.4%	91	32.5%	121	43.2%	280
JAMES MADISON	8	0.3%	209	6.8%	285	9.3%	1034	33.9%	1518	49.7%	3054
JOHN DEWEY	6	0.2%	184	5.1%	716	19.9%	1186	33.0%	1506	41.9%	3598
JOHN JAY	1	0.0%	59	2.1%	1526	53.1%	1008	35.1%	279	9.7%	2873
LAFAYETTE	1	0.0%	115	4.5%	365	14.3%	816	31.9%	1259	49.3%	2556
MIDWOOD	1	0.0%	174	6.6%	234	8.9%	810	30.9%	1406	53.6%	2625
NEW UTRECHT	1	0.0%	239	8.0%	638	21.3%	462	15.4%	1651	55.2%	2991
PAUL ROBESON	1	0.4%	0	0.0%	35	12.7%	240	87.0%	0	0.0%	276
PROSPECT HEIGHTS	1	0.0%	7	0.3%	215	8.2%	2397	91.5%	1	0.0%	2621
SAMUEL J. TILDEN	0	0.0%	12	0.4%	110	4.0%	2613	95.4%	5	0.2%	2740
SARAH J. HALE	0	0.0%	5	0.2%	626	26.8%	1698	72.7%	8	0.3%	2337
SHEEPSHEAD BAY	5	0.2%	191	6.9%	256	9.3%	893	32.4%	1410	51.2%	2755
SOUTH SHORE	0	0.0%	119	3.1%	275	7.2%	1434	37.5%	1997	52.2%	3825
THOMAS JEFFERSON	0	0.0%	0	0.0%	517	23.3%	1701	76.7%	0	0.0%	2218
WILLIAM E. GRADY	0	0.0%	20	1.2%	288	17.1%	689	40.9%	686	40.8%	1683
WILLIAM H. MAXWELL	2	0.1%	0	0.0%	415	30.2%	953	69.5%	2	0.1%	1372
TOTAL	108	0.1%	2,959	3.7%	18,595	23.1%	38,541	48.0%	20,104	25.1%	80,266
											100%

EXHIBIT B4

ABSTRACT FROM PUPIL ETHNIC COMPOSITION REPORT
OCTOBER - 1985
QUEENS

NAME	AMERICAN INDIAN		ASIAN		HISPANIC		BLACK		WHITE		TOTAL
ANDREW JACKSON	1	0.0%	9	0.3%	56	1.9%	2884	97.6%	5	0.2%	2,955
AUGUST MARTIN	3	0.1%	27	1.2%	247	10.9%	1989	87.4%	9	0.4%	2,275
AVIATION	0	0.0%	288	12.5%	987	42.8%	394	17.1%	638	27.7%	2,307
BAYSIDE	4	0.2%	195	7.8%	121	4.8%	887	35.3%	1305	52.0%	2,512
BEACH CHANNEL	3	0.1%	28	1.2%	365	16.0%	1004	44.0%	883	38.7%	2,283
BENJAMIN CARDOZO	3	0.1%	425	15.9%	191	7.2%	746	28.0%	1303	48.8%	2,668
FAR ROCKAWAY	0	0.0%	90	3.6%	578	22.8%	1643	64.9%	222	8.8%	2,533
FLUSHING	1	0.0%	328	15.3%	656	30.6%	460	21.5%	696	32.5%	2,141
FOREST HILLS	10	0.3%	410	13.2%	360	11.6%	620	20.0%	1705	54.9%	3,105
FRANCIS LEWIS	13	0.7%	319	16.8%	237	12.5%	357	18.8%	970	51.2%	1,896
GROVER CLEVELAND	3	0.1%	103	3.4%	893	29.9%	421	14.1%	1569	52.5%	2,989
HILLCREST	8	0.2%	447	12.1%	865	23.5%	1511	41.0%	852	23.1%	3,683
JAMAICA	1	0.0%	276	10.3%	580	21.7%	1177	44.0%	639	23.9%	2,673
JOHN ADAMS	6	0.2%	128	4.0%	607	19.1%	879	27.7%	1554	49.0%	3,174
JOHN BOWNE	7	0.2%	541	17.2%	1074	34.2%	711	22.6%	810	25.8%	3,143
LONG ISLAND CITY	1	0.0%	234	10.7%	634	29.0%	317	14.5%	1003	45.8%	2,189
MARTIN VAN BUREN	0	0.0%	113	5.2%	224	10.4%	727	33.7%	1094	50.7%	2,158
NEWTOWN	1	0.0%	916	21.8%	2227	52.9%	438	10.4%	625	14.9%	4,207
QUEENS VOCATIONAL	1	0.1%	38	2.6%	474	32.4%	418	28.6%	531	36.3%	1,462
RICHMOND HILL	1	0.1%	182	9.3%	647	33.1%	241	12.3%	885	45.2%	1,956
SPRINGFIELD GARDENS	1	0.0%	13	0.6%	82	3.6%	2056	89.4%	149	6.5%	2,301
THOMAS EDISON	0	0.0%	109	5.7%	375	19.7%	878	46.2%	537	28.3%	1,899
TOWNSEND HARRIS	0	0.0%	61	14.8%	43	10.4%	99	24.0%	209	50.7%	412
WILLIAM CULLEN BRYANT	10	0.3%	485	15.4%	853	27.1%	476	15.1%	1328	42.1%	3,152
TOTAL	78	0.1%	5,765	9.6%	13,376	22.3%	21,333	35.5%	19521	32.5%	60,073
											100%

EXHIBIT BS

ABSTRACT FROM PUPIL ETHNIC COMPOSITION REPORT
OCTOBER - 1985
STATEN ISLAND

NAME	AMERICAN INDIAN		ASIAN		HISPANIC		BLACK		WHITE		TOTAL
CURTIS	0	0.0%	40	2.1%	307	16.3%	509	27.1%	1022	54.4%	1,878
MCKEE	0	0.0%	14	1.2%	95	7.8%	167	13.7%	939	77.3%	1,215
NEW DORP	0	0.0%	73	2.2%	205	6.3%	370	11.3%	2632	80.2%	3,280
PORT RICHMOND	1	0.0%	47	1.8%	193	7.4%	328	12.5%	2055	78.3%	2,624
SUSAN WAGNER	1	0.0%	117	4.4%	153	5.8%	328	12.4%	2040	77.3%	2,639
TOTTENVILLE	4	0.1%	85	2.2%	133	3.5%	68	1.8%	3553	92.5%	3,843
TOTAL	6	0.1%	376	2.4%	1,086	7.0%	1,770	11.4%	12,241	79.1%	15,479
											100%

EXHIBIT B6

RECEIVING SCHOOLS FOR BLACK, HISPANIC AND OTHER MINORITY PUPILS 1986-1987

Canarsie
Lafayette
James Madison
Sheepshead Bay
Midwood
New Utrecht
Franklin Delano Roosevelt
South Shore
Herbert Lehman
New Dorp
Tottenville
Wagner
Port Richmond
McKee Vocational
Bayside
Francis Lewis
Martin Van Buren
Grover Cleveland
Forest Hills
Benjamin Cardozo

Source: OZI Optional High School Assignment Program No. 2, 1986-1987, Erasmus Optional Assignment Program, Board of Education of the City of New York, Office of Zoning and Integration.

EXHIBIT C

New York City
Board of Education

110 Livingston Street
Brooklyn, New York 11201

Nathan Quinones
Chancellor

Office of Community
School District Affairs
Fred M. Woodruff
Director

Office of Zoning and Integration
Joseph Elias
Director
(718) 596-6035 or 6037

OZI ASSIGNMENTS 1985-86

CHOICE DISTRIBUTION SUMMARY

CHOICE	REGULAR EDUCATION	(%)	SPECIAL EDUCATION	(%)	TOTAL ASSIGNED	(%)
1st	9463	(81.8)	1327	(73.9)	10,790	(80.7)
2nd	1115	(9.6)	333	(18.5)	1,448	(10.8)
3rd	434	(3.8)	84	(4.7)	518	(3.9)
4th+	556	(4.8)	52	(2.9)	608	(4.6)
TOTAL ASSIGNED	11,568	(100.0)	1796	(100.0)	13,364	(100.0)
OTHER DISPOSITIONS (ED. OPS, VOC'S, INELIG., ETC.)	12.223		987		13.210	
TOTAL APPLICATIONS	23,791		2783		26.574	

NOTE: IN REGULAR EDUCATION, 91.4% RECEIVED 1st OR 2nd CHOICE FROM OZI; WHILE IN SPECIAL EDUCATION 92.4% RECEIVED 1st OR 2nd CHOICE FROM OZI.

SUMMARY OF CAR SCHOOL DESIGNATION

Total Number of Schools	96	
Total CAR Schools	59	(61.5%)
Total Number 50/50% Schools	20	
Total 50/50% CAR Schools	8	(40.0%)
Total Non-50/50% Schools	76	
Total Non-50/50% CAR Schools	51	(67.1%)

Source: "City Lists High Schools Rated Deficient by State", New York Times, November 28, 1985.

EXHIBIT E

CAR SCHOOL DESIGNATION

MANHATTAN	CAR SCHOOLS
A.P. Randolph	
C.E.H. Humanities	
Chelsea	x
George Washington	x
H.S. Art & Design	
H.S. Fashion Industries	
H.S. Graphic Commun. Arts	
Julia Richman	x
Louis D. Brandeis	x
Mabel D. Bacon	
Man. Cent. Sci. & Math	
M.L. King	x
Murry Bergtraum	
Norman Thomas	
Park West	x
Seward Park	x
Washington Irving	x
BRONX	
HERBERT LEHMAN	x
Adlai Stevenson	x
Alfred E. Smith	x
Christopher Columbus	x
Dewitt Clinton	x
Evander Childs	x
Grace H. Dodge	
Harry S. Truman	
James Monroe	x
Jane Addams	x
John F. Kennedy	x
Morris	x
Samuel Gompers	
South Bronx	
Theo. Roosevelt	x
Walton	x
William H. Taft	x

BROOKLYN	CAR SCHOOLS
CANARSIE	x
F. D. ROOSEVELT	x
JAMES MADISON	x
LAFAYETTE	x
MIDWOOD	
NEW UTRECHT	
SHEEPSHEAD BAY	x
SOUTH SHORE	x
Abraham Lincoln	x
Automotive	x
Boys and Girls	x
Bushwick	x
Clara Barton	
East New York	x
Eastern District	x
Edw. R. Murrow	x
Eli Whitney	x
Erasmus Hall	x
Fort Hamilton	x
Franklin K. Lane	x
George Westinghouse	x
George Wingate	x
H.S. Telecm. Arts	
John Dewey	
John Jay	x
Paul Robeson	
Prospect Heights	x
Samuel J. Tilden	x
Sarah J. Hale	x
Thomas Jefferson	x
William E. Grady	x
William H. Maxwell	x

QUEENS	CAR SCHOOLS
BAYSIDE	
BENJAMIN CARDOZO	
FOREST HILLS	
FRANCIS LEWIS	
GROVER CLEVELAND	
MARTIN VAN BUREN	
Andrew Jackson	x
August Martin	
Aviation	
Beach Channel	
Far Rockaway	x
Flushing	x
Hillcrest	
Jamaica	
John Adams	x
John Bowne	
Long Island City	x
Newtown	x
Queens Vocational	x
Richmond Hill	x
Springfield Gardens	x
Thomas Edison	x
Townsend Harris	
William Cullen Bryant	x
STATEN ISLAND	
MCKEE	x
NEW DORP	
PORT RICHMOND	
SUSAN WAGNER	
TOTTENVILLE	
CURTIS	x

ALL CAPS - 50/50% School

x - CAR SCHOOL

SUMMARY OF SCHOOL UTILIZATION OCTOBER 1985

Utilization	Total Schools in Category	Non-50/50% Schools in Category	50/50% Schools in Category
.10-.19%	1	1	0
.20-.29	1	1	0
.30-.39	0	0	0
.40-.49	0	0	0
.50-.59	0	0	0
.60-.69	1	1	0
.70-.79	9	7	2
.80-.89	10	6	4
.90-.99	19	13	6
1.00-1.09	14	12	2
1.10-1.19	13	9	4
1.20-1.29	13	12	1
1.30-1.39	7	7	0
1.40-1.49	2	1	1
1.50-1.59	1	1	0
1.60-1.69	4	4	0
1.70-1.79	1	1	0
Up to 1.09%	55 (57.3%)	41 (53.9%)	14 (70.0%)
1.10 to 1.39%	33 (34.4%)	28 (36.8%)	5 (25.0%)
1.40 to 1.80%	8 (8.3%)	7 (9.2%)	1 (5.0%)

Source: Capacity-Utilization 10/31/86, printed 8/8/86, SMU, PRF, TC-1/85.

SCHOOL UTILIZATION OCTOBER 1985

Paul Robeson	.15	
H.S. Telecm. Arts	.24	
Harry S. Truman	.64	
Beach Channel	.71	
Abraham Lincoln	.75	
Herbert Lehman	.76	*
Man. Cent. Sci. & Math	.76	
Martin Van Buren	.76	*
Townsend Harris	.78	
C.E.H. Humanities	.79	
M.L. King	.79	
Springfield Gardens	.79	
A.P. Randolph	.80	
Far Rockaway	.84	
Canarsie	.85	*
Bayside	.86	*
Curtis	.87	
New Dorp	.87	*
Flushing	.88	
Lafayette	.88	*
Christopher Columbus	.89	
Washington Irving	.89	
Sheepshead Bay	.90	*
Susan Wagner	.90	*
Alfred E. Smith	.91	
Eastern District	.91	
Jamaica	.91	
Samuel J. Tilden	.91	
Park West	.92	
Francis Lewis	.93	*
Tottenville	.93	*
William H. Taft	.93	
Eli Whitney	.95	
Grover Cleveland	.95	*
H.S. Graphic Commun. Arts	.96	
Richmond Hill	.97	
August Martin	.99	
F. D. Roosevelt	.99	*
H.S. Fashion Industries	.99	
James Monroe	.99	
John Jay	.99	
South Bronx	1.00	
Fort Hamilton	1.01	
Franklin K. Lane	1.02	
Thomas Jefferson	1.02	
South Shore	1.04	*
William Cullen Bryant	1.04	
Clara Barton	1.05	
Evander Childs	1.05	

Prospect Heights	1.05	
Benjamin Cardozo	1.06	*
Samuel Gompers	1.06	
Andrew Jackson	1.08	
John Adams	1.09	
Sarah J. Hale	1.09	
Louis D. Brandeis	1.10	
Julia Richman	1.11	
New Utrecht	1.11	*
Norman Thomas	1.11	
George Wingate	1.12	
Midwood	1.12	*
Dewitt Clinton	1.13	
James Madison	1.13	*
Forest Hills	1.14	*
John Bowne	1.14	
George Washington	1.15	
Boys and Girls	1.18	
William E. Grady	1.19	
Automotive	1.21	
Aviation	1.21	
George Westinghouse	1.21	
Theo. Roosevelt	1.21	
Erasmus Hall	1.22	
McKee	1.22	*
Thomas Edison	1.22	
East New York	1.23	
Walton	1.24	
Bushwick	1.27	
H.S. Art & Design	1.29	
Hillcrest	1.29	
Mabel D. Bacon	1.29	
Adlai Stevenson	1.31	
Grace H. Dodge	1.31	
Jane Addams	1.33	
Long Island City	1.33	
Edw. R. Murrow	1.37	
Newtown	1.38	
Murry Bergtraum	1.39	
Port Richmond	1.42	*
John Dewey	1.47	
Seward Park	1.59	
William H. Maxwell	1.60	
Chelsea	1.63	
John F. Kennedy	1.63	
Queens Vocational	1.63	
Morris	1.73	

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* 50/50% Schools

SUMMARY OF SCHOOL UTILIZATION OCTOBER 1984

Utilization	Total Schools in Category	Non-50/50% Schools in Category	50/50% Schools in Category
.10-.19%	2	2	0
.20-.29	0	0	0
.30-.39	0	0	0
.40-.49	2	2	0
.50-.59	1	1	0
.60-.69	3	3	0
.70-.79	3	1	2
.80-.89	14	9	5
.90-.99	8	5	3
1.00-1.09	16	12	4
1.10-1.19	19	17	2
1.20-1.29	10	7	3
1.30-1.39	10	9	1
1.40-1.49	3	3	0
1.50-1.59	0	0	0
1.60-1.80	5	5	0
Up to 1.09%	49 (51.0%)	35 (46.0%)	14 (70.0%)
1.10 to 1.39%	39 (40.6%)	33 (43.4%)	6 (30.0%)
1.40 to 1.80%	8 (8.3%)	8 (10.5%)	0

Source: CAPACITY-ULITIZATION 10/31/86, Printed 8/8/86, SMU, PRF, TC - 1/85.

EXHIBIT G

SCHOOL UTILIZATION OCTOBER 1984

Alexander Hamilton	.17	
Bayridge	.18	
Townsend Harris	.45	
Man. Cent. Sci. & Math	.47	
C.E.H. Humanities	.53	
Harry S. Truman	.60	
Beach Channel	.66	
M.L. King	.66	
Herbert Lehman	.75	*
James Monroe	.76	
Lafayette	.76	*
H.S. Graphic Commun. Arts	.80	
Washington Irving	.82	
Sheepshead Bay	.84	*
Alfred E. Smith	.85	
Flushing	.85	
Martin Van Buren	.85	*
Abraham Lincoln	.86	
Christopher Columbus	.88	
Francis Lewis	.88	*
H.S. Fashion Industries	.88	
New Dorp	.88	*
Springfield Gardens	.88	
Susan Wagner	.88	*
John Jay	.89	
Curtis	.90	
Jamaica	.92	
Canarsie	.93	*
A.P. Randolph	.95	
F. D. Roosevelt	.95	*
Boys and Girls	.97	
South Shore	.98	*
William Cullen Bryant	.98	
Far Rockaway	1.00	
H.S. Art & Design	1.01	
John Bowne	1.01	
South Bronx	1.01	
Grover Cleveland	1.02	*
August Martin	1.03	
Benjamin Cardozo	1.04	*
Richmond Hill	1.04	
Erasmus Hall	1.05	
Julia Richman	1.05	
Midwood	1.05	*
Prospect Heights	1.05	
Tottenville	1.05	*
Park West	1.07	
George Wingate	1.09	
Samuel J. Tilden	1.09	
Evander Childs	1.10	

Louis D. Brandeis	1.11	
Samuel Gompers	1.11	
Automotive	1.12	
Bayside	1.12	*
Eli Whitney	1.12	
William H. Taft	1.12	
Clara Barton	1.13	
Edw. R. Murrow	1.13	
Dewitt Clinton	1.14	
Thomas Jefferson	1.14	
Fort Hamilton	1.15	
Aviation	1.16	
Franklin K. Lane	1.16	
George Washington	1.16	
Hillcrest	1.18	
Forest Hills	1.19	*
Murry Bergtraum	1.19	
Norman Thomas	1.19	
Andrew Jackson	1.20	
George Westinghouse	1.20	
Eastern District	1.21	
James Madison	1.22	*
John Adams	1.22	
New Utrecht	1.23	*
Sarah J. Hale	1.23	
Jane Addams	1.26	
William E. Grady	1.27	
Port Richmond	1.28	*
John Dewey	1.30	
Thomas Edison	1.30	
Mabel D. Bacon	1.31	
Queens Vocational	1.31	
East New York	1.32	
McKee	1.32	*
Grace H. Dodge	1.33	
Adlai Stevenson	1.37	
John F. Kennedy	1.38	
Newtown	1.39	
Walton	1.47	
Bushwick	1.48	
Chelsea	1.48	
Theo. Roosevelt	1.60	
Morris	1.69	
William H. Maxwell	1.77	
Long Island City	1.78	
Seward Park	1.80	

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* 50/50% Schools

SUMMARY OF PERCENT PASSING 1985-1986
REGENTS MATH COMPETENCY TEST

Percent Passing	Total Schools in Category	Non-50/50% Schools in Category	50/50% Schools in Category
0 - 9%	0	0	0
10 - 19%	1	1	0
20 - 29%	16	16	0
30 - 39%	28	22	6
40 - 49%	27	23	4
50 - 59%	15	9	6
60 - 69%	7	4	3
70 - 79%	2	1	1
80 - 89%	0	0	0
0 - 39%	45 (46.9%)	39 (51.3%)	6 (30.0%)
40 - 59%	42 (43.7%)	32 (42.1%)	10 (50.0%)
60 - 89%	9 (9.4%)	5 (6.6%)	4 (20%)

Source: Board of Education of the City of New York, Office of D.A.T.A., Mathematics RCT, January and June, 1986.

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EXHIBIT H

PERCENT PASSING 1985-1986
REGENTS MATH COMPETENCY TEST

Eli Whitney	15.46	
James Monroe	20.04	
Morris	20.04	
Boys and Girls	20.56	
Automotive	22.90	
East New York	25.02	
Evander Childs	25.42	
John Adams	25.45	
Mabel D. Bacon	26.70	
Franklin K. Lane	27.28	
Bushwick	27.42	
Seward Park	27.80	
Long Island City	27.86	
Grace H. Dodge	28.07	
Martin Luther King	28.20	
John Jay	29.36	
H.S. Fashion Industries	29.85	
Adlai Stevenson	30.55	
Louis D. Brandeis	30.70	
Forest Hills	30.85	*
Sarah J. Hale	30.87	
Springfield Gardens	31.33	
New Utrecht	31.38	*
Park West	32.16	
Andrew Jackson	32.26	
Erasmus Hall	32.30	
Murry Bergtraum	32.57	
John Dewey	33.28	
Eastern District	33.45	
Samuel J. Tilden	33.45	
George Westinghouse	34.22	
Washington Irving	34.35	
Susan Wagner	34.40	*
Prospect Heights	34.70	
William E. Grady	34.80	
Theo. Roosevelt	34.98	
H.S. Graphic Commun. Arts	35.55	
Lafayette	35.75	*
Julia Richman	37.36	
Far Rockaway	37.43	
Dewitt Clinton	37.56	
McKee	37.82	*
Port Richmond	38.85	*
Samuel Gompers	39.00	
Newtown	39.07	
Clara Barton	40.00	
Chelsea	40.17	
Queens Vocational	40.55	

Thomas Jefferson	40.60	
Paul Robeson	40.70	
George Wingate	40.75	
Beach Channel	40.85	
John Bowne	41.01	
Jamaica	41.52	
Aviation	41.57	
South Bronx	41.75	
H.S. Telecm. Arts	42.35	
Canarsie	43.37	*
H.S. Art & Design	43.86	
Harry S. Truman	44.82	
Sheepshead Bay	45.00	*
Bayside	45.52	*
Alfred E. Smith	45.65	
Edw. R. Murrow	45.77	
John F. Kennedy	45.83	
Curtis	46.52	
George Washington	46.64	
Grover Cleveland	46.78	*
William Cullen Bryant	48.08	
William H. Taft	48.46	
Thomas Edison	49.15	
Morris	49.52	
F. D. Roosevelt	50.36	*
Benjamin Cardozo	50.82	*
Norman Thomas	51.10	
Tottenville	51.68	*
New Dorp	51.83	*
August Martin	51.88	
Fort Hamilton	51.95	
Richmond Hill	53.18	
Man. Cent. Sci. & Math	53.65	
Francis Lewis	54.37	*
Hillcrest	54.60	
Abraham Lincoln	56.15	
Herbert Lehman	57.40	*
Walton	57.40	
Christopher Columbus	59.93	
William H. Maxwell	61.07	
Flushing	61.10	
Jane Addams	62.75	
Martin Van Buren	63.46	*
Midwood	63.90	*
South Shore	64.03	*
C.E.H. Humanities	64.60	
A.P. Randolph	72.45	
James Madison	77.90	*

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* 50/50% Schools

SUMMARY OF PERCENT PASSING 1984-1985
REGENTS MATH COMPETENCY TEST

Percent Passing	Total Schools in Category	Non-50/50% Schools in Category	50/50% Schools in Category
0 - 9%	0	0	0
10 - 19%	0	0	0
20 - 29%	1	1	0
30 - 39%	10	10	0
40 - 49%	39	37	3
50 - 59%	28	16	12
60 - 69%	13	8	5
70 - 79%	2	2	0
80 - 89%	1	1	0
0 - 39%	11 (11.7%)	11 (14.8%)	0
40 - 59%	67 (71.3%)	53 (71.6%)	15 (75.0%)
60 - 89%	16 (17.0%)	11 (14.8%)	5 (25.0%)

Source: Board of Education of the City of New York, Office of D.A.T.A., Division of High Schools, School Year 1984-1985 [Gross Register, Dropout Rate, . . . Mathematics RCT, Choice of Admissions].

PERCENT PASSING 1984-1985
REGENTS MATH COMPETENCY TEST

Theo. Roosevelt	29.5	
Boys and Girls	31.7	
James Monroe	33.3	
Thomas Jefferson	34.5	
Eli Whitney	35.0	
Andrew Jackson	35.1	
William H. Maxwell	36.8	
George Washington	37.8	
Bushwick	37.9	
East New York	39.1	
William H. Taft	39.5	
Far Rockaway	40.0	
Louis D. Brandeis	41.0	
George Westinghouse	41.2	
Abraham Lincoln	41.5	
Springfield Gardens	41.5	
Flushing	41.9	
Chelsea	42.0	
George Wingate	42.2	
Clara Barton	42.3	
South Bronx	42.3	
Walton	42.3	
Mabel D. Bacon	42.5	
Washington Irving	42.7	
Prospect Heights	43.4	
John F. Kennedy	43.5	
Martin Luther King	43.5	
Sarah J. Hale	43.6	
Samuel J. Tilden	44.2	
Franklin K. Lane	44.6	
Seward Park	45.0	
Automotive	45.1	
William Cullen Bryant	45.5	
Evander Childs	46.0	
John Adams	46.1	
John Dewey	46.1	
Eastern District	46.2	
South Shore	46.3	*
Park West	46.4	
Grace H. Dodge	46.5	
Adlai Stevenson	46.8	
Canarsie	47.1	*
Erasmus Hall	47.2	
DeWitt Clinton	47.4	
Hillcrest	47.9	
William E. Grady	47.9	
Lafayette	48.4	*
Long Island City	48.9	

H.S. Graphic Commun. Arts	49.1	
John Jay	49.1	
Grover Cleveland	50.0	*
New Utrecht	50.8	*
Fort Hamilton	51.3	
Richmond Hill	51.3	
Beach Channel	51.6	
Queens Vocational	52.0	
Samuel Gompers	52.0	
Jamaica	52.5	
Jane Addams	53.4	
Morris	53.6	
McKee	53.8	
Port Richmond	53.9	*
John Bowne	54.6	
Herbert Lehman	55.0	*
Harry S. Truman	55.2	
Benjamin Cardozo	55.3	*
Thomas Edison	55.9	
Forest Hills	56.2	*
Susan Wagner	56.2	*
F. D. Roosevelt	56.8	*
Sheepshead Bay	56.8	*
Julia Richman	56.9	
James Madison	57.0	*
Murry Bergtraum	57.3	
Aviation	58.9	
Newtown	58.9	
Martin Van Buren	59.0	*
Edw. R. Murrow	59.5	
New Dorp	61.6	*
Curtis	61.7	
Alfred E. Smith	61.8	
Bayside	62.8	*
H.S. Telecm. Arts	62.8	
Christopher Columbus	63.8	
Norman Thomas	65.4	
Tottenville	65.6	*
August Martin	65.8	
Francis Lewis	67.4	*
H.S. Art & Design	68.9	
Midwood	69.5	*
H.S. Fashion Ind.	69.7	
C.E.H. Humanities	70.1	
A.P. Randolph	73.4	
Man. Cent. Sci. & Math	89.6	

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* 50/50% Schools

SUMMARY OF PERCENT STUDENTS READING AT OR ABOVE
10TH GRADE LEVEL (1985 - 1986)

Percent Students	Total Schools in Category	Non 50/50% Schools in Category	50/50% Schools in Category
20 - 29%	3	3	0
30 - 39%	7	7	0
40 - 49%	15	15	0
50 - 59%	20	18	2
60 - 69%	17	14	3
70 - 79%	19	9	10
80 - 89%	10	6	4
90 - 99%	2	1	1
100%	1	1	0
Up to - 39%	10 (10.6%)	10 (13.5%)	0 (0%)
40 - 59%	35 (37.2%)	33 (44.6%)	2 (10.0%)
60 - 100%	49 (52.1%)	31 (41.9%)	18 (90.0%)

Source: Board of Education of the City of New York, High School Division, Reading Scores for Grade 9 & 10, Years 1983-84 through 1985-86, printed April 27, 1987.

EXHIBIT J

PERCENT STUDENTS READING AT OR ABOVE
10TH GRADE LEVEL (1985 - 1986)

George Washington	21.5	
South Bronx	25.9	
Theo. Roosevelt	29.8	
William H. Taft	30.9	
Seward Park	32.5	
Bushwick	33.8	
James Monroe	35.3	
Thomas Jefferson	36.0	
William H. Maxwell	36.8	
Eastern District	38.5	
Sarah J. Hale	40.4	
Boys and Girls	41.3	
Louis D. Brandeis	42.2	
Morris	42.3	
Eli Whitney	42.7	
Prospect Heights	42.9	
Newtown	43.8	
Julia Richman	46.0	
Erasmus Hall	46.5	
M.L. King	46.6	
George Wingate	47.7	
Chelsea	47.8	
Walton	48.6	
Mabel D. Bacon	49.1	
Grace H. Dodge	49.6	
Jane Addams	50.2	
East New York	51.2	
Washington Irving	51.7	
Automotive	52.1	
Adlai Stevenson	53.4	
Dewitt Clinton	54.0	
Andrew Jackson	54.1	
Evander Childs	55.1	
Franklin K. Lane	56.1	
Samuel Gompers	56.7	
Beach Channel	57.0	
John F. Kennedy	57.1	
Grover Cleveland	57.2	*
F. D. Roosevelt	57.5	*
John Jay	57.7	
Alfred E. Smith	57.9	
Springfield Gardens	58.1	
Park West	58.6	
Long Island City	59.3	
Fort Hamilton	59.8	
William Cullen Bryant	60.5	
Samuel J. Tilden	60.8	
Lafayette	61.5	*

Far Rockaway	62.0	
New Utrecht	62.0	*
H.S. Fashion Industries	62.6	
Richmond Hill	62.8	
John Bowne	65.2	
Flushing	65.3	
Queens Vocational	66.1	
John Adams	67.2	
William E. Grady	67.3	
George Westinghouse	67.6	
Jamaica	67.9	
Christopher Columbus	68.2	
James Madison	68.7	*
H.S. Graphic Commun. Arts	68.9	
Canarsie	70.2	*
Abraham Lincoln	70.4	
Norman Thomas	70.9	
Hillcrest	71.6	
South Shore	72.7	*
Martin Van Buren	72.9	*
Herbert Lehman	73.2	*
Sheepshead Bay	73.5	*
Clara Barton	73.6	
Francis Lewis	74.3	*
Forest Hills	74.7	*
John Dewey	74.9	
August Martin	75.2	
Harry S. Truman	76.3	
Port Richmond	76.6	*
Curtis	77.3	
New Dorp	78.0	*
Thomas Edison	78.4	
Tottenville	78.9	*
Bayside	80.8	*
McKee	81.0	*
A.P. Randolph	81.6	
Edw. R. Murrow	81.7	
C.E.H. Humanities	82.5	
Susan Wagner	84.1	*
Murry Bergtraum	84.2	
Benjamin Cardozo	84.7	*
Aviation	86.3	
H.S. Art & Design	86.8	
Man. Cent. Sci. & Math	90.5	
Midwood	91.9	*
Townsend Harris	100.0	

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* 50/50% Schools

SUMMARY OF PERCENT READING AT OR ABOVE
10TH GRADE LEVEL (1984 - 1985)

Percent Passing	Total Schools in Category	Non-50/50% Schools in Category	50/50% Schools in Category
0 - 9%	0	0	0
10 - 19%	5	5	0
20 - 29%	18	18	0
30 - 39%	17	15	2
40 - 49%	16	14	2
50 - 59%	16	12	4
60 - 69%	16	6	10
70 - 79%	4	2	2
80 - 89%	1	1	0
0 - 39%	40 (43.0%)	38 (52.1%)	2 (10.0%)
40 - 59%	32 (34.4%)	26 (35.6%)	6 (30.0%)
60 - 89%	21 (22.6%)	9 (12.3%)	12 (60.0%)

Source: Board of Education of the City of New York, High School Division, Reading Scores for Grade 9 & 10, Years 1983-84 through 1985-86, printed April 27, 1987.

PERCENT STUDENTS READING AT OR ABOVE
10TH GRADE LEVEL (1984 - 1985)

George Washington	16.6	
Prospect Heights	16.9	
William H. Taft	17.4	
Theo. Roosevelt	17.7	
Sarah J. Hale	19.5	
Erasmus Hall	20.1	
Morris	23.1	
George Wingate	23.3	
Thomas Jefferson	23.4	
Seward Park	23.5	
William H. Maxwell	24.2	
South Bronx	24.5	
James Monroe	24.8	
Automotive	25.7	
Eli Whitney	25.7	
Eastern District	26.2	
Boys and Girls	26.9	
Jane Addams	27.4	
Martin Luther King	27.6	
Bushwick	27.8	
Walton	28.4	
Louis D. Brandeis	29.0	
Andrew Jackson	29.9	
East New York	30.1	
Washington Irving	31.2	
Grace H. Dodge	32.3	
Mabel D. Bacon	32.6	
Julia Richman	34.7	
Far Rockaway	35.1	
Franklin K. Lane	35.8	
Alfred E. Smith	35.9	
Dewitt Clinton	35.9	
John Jay	35.9	
Evander Childs	36.9	
Samuel J. Tilden	37.4	
Newtown	38.1	
F. D. Roosevelt	38.7	*
Chelsea	38.8	
Samuel Gompers	39.3	
Grover Cleveland	39.4	*
Adlai Stevenson	40.2	
Springfield Gardens	40.5	
Park West	41.4	
Lafayette	42.5	*
New Utrecht	43.3	*
Beach Channel	44.1	
Jamaica	44.3	
Norman Thomas	44.4	

Christopher Columbus	45.8	
Queens Vocational	46.9	
John F. Kennedy	47.9	
H.S. Graphic Commun. Arts	48.3	
William E. Grady	48.4	
Richmond Hill	48.8	
Long Island City	49.1	
George Westinghouse	49.3	
Sheepshead Bay	51.2	*
H.S. Fashion Industries	52.0	
Clara Barton	52.6	
John Adams	52.8	
Thomas Edison	53.3	
Fort Hamilton	54.5	
Curtis	54.9	
Abraham Lincoln	55.3	
Tottenville	56.0	*
Edw. R. Murrow	56.1	
William Cullen Bryant	56.3	
South Shore	56.5	*
Hillcrest	56.9	
Herbert Lehman	57.4	*
August Martin	59.2	
John Dewey	59.2	
New Dorp	60.1	*
Canarsie	60.2	*
James Madison	60.5	*
Harry S. Truman	60.7	
Port Richmond	62.3	*
Murry Bergtraum	62.6	
Francis Lewis	63.9	*
John Bowne	63.9	
Flushing	64.3	
Susan Wagner	65.9	*
McKee	66.1	*
Martin Van Buren	66.2	*
Forest Hills	67.5	*
Bayside	68.3	*
Aviation	68.6	
A.P. Randolph	69.1	
C.E.H. Humanities	71.7	
H.S. Art & Design	74.5	
Benjamin Cardozo	75.3	*
Midwood	78.1	*
Man. Cent. Sci. & Math	87.0	

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* 50/50% Schools

SUMMARY OF PERCENT STUDENTS READING AT OR ABOVE
9TH GRADE LEVEL (1985 - 1986)

Percent Students	Total Schools in Category	Non 50/50% Schools in Category	50/50% Schools in Category
0 - 9%	1	1	0
10 - 19%	1	1	0
20 - 29%	6	6	0
30 - 39%	16	16	0
40 - 49%	18	16	2
50 - 59%	12	10	2
60 - 69%	18	10	8
70 - 79%	15	8	7
80 - 89%	7	7	0
90 - 99%	2	1	1
Up to - 39%	24 (25.0%)	24 (31.6%)	0 (0%)
40 - 59%	30 (31.3%)	26 (34.2%)	4 (20.0%)
60 - 99%	42 (43.7%)	26 (34.2%)	16 (80.0%)

Source: Board of Education of the City of New York, High School Division, Reading Scores for Grade 9 & 10, Years 1983-84 through 1985-86, printed April 27, 1987.

EXHIBIT L

PERCENT STUDENTS READING AT OR ABOVE
9TH GRADE LEVEL (1985 - 1986)

Seward Park	7.5	
South Bronx	19.1	
Theo. Roosevelt	20.0	
George Washington	20.1	
Morris	23.8	
Eastern District	28.0	
Bushwick	28.6	
Prospect Heights	28.8	
Louis D. Brandeis	30.3	
James Monroe	31.1	
William H. Taft	31.3	
M.L. King	31.6	
George Wingate	32.6	
Thomas Jefferson	34.1	
Boys and Girls	34.7	
Julia Richman	35.5	
Jane Addams	35.9	
William H. Maxwell	36.4	
Andrew Jackson	36.9	
East New York	38.0	
Eli Whitney	38.2	
Sarah J. Hale	38.7	
Newtown	39.3	
Grace H. Dodge	39.6	
Flushing	40.7	
Long Island City	40.7	
Walton	44.5	
Samuel Gompers	45.0	
William Cullen Bryant	45.9	
Automotive	46.0	
Grover Cleveland	46.0	*
Adlai Stevenson	46.2	
Samuel J. Tilden	46.5	
John F. Kennedy	47.0	
Washington Irving	47.8	
Dewitt Clinton	48.1	
Evander Childs	48.5	
John Jay	48.5	
Franklin K. Lane	48.8	
Erasmus Hall	49.2	
F. D. Roosevelt	49.3	*
Alfred E. Smith	49.9	
Fort Hamilton	50.6	
Park West	51.3	
Far Rockaway	52.7	
John Bowne	52.7	
Chelsea	54.3	
Martin Van Buren	55.0	*

H.S. Graphic Commun. Arts	56.4	
Springfield Gardens	56.6	
Abraham Lincoln	57.4	
New Utrecht	57.5	*
Mabel D. Bacon	57.7	
Jamaica	58.7	
Lafayette	60.7	*
Canarsie	61.0	*
Beach Channel	61.2	
Christopher Columbus	62.0	
John Adams	62.0	
H.S. Fashion Industries	62.3	
Queens Vocational	63.8	
Francis Lewis	64.7	*
Herbert Lehman	64.8	*
Hillcrest	65.1	
Richmond Hill	65.7	
George Westinghouse	65.8	
James Madison	66.2	*
Forest Hills	67.0	*
Bayside	67.3	*
William E. Grady	67.3	
Sheepshead Bay	67.5	*
Norman Thomas	68.6	
H.S. Telecm. Arts	70.2	
McKee	70.7	*
Harry S. Truman	71.0	
New Dorp	71.3	*
Curtis	72.5	
John Dewey	72.7	
Paul Robeson	72.7	
Port Richmond	72.8	*
South Shore	72.9	*
Clara Barton	74.4	
August Martin	75.4	
Susan Wagner	77.8	*
Tottenville	79.0	*
Benjamin Cardozo	79.5	*
Murry Bergtraum	79.9	
Aviation	80.0	
Edw. R. Murrow	80.7	
A.P. Randolph	81.0	
C.E.H. Humanities	84.1	
Man. Cent. Sci. & Math	84.6	
H.S. Art & Design	87.2	
Thomas Edison	89.4	
Midwood	94.0	*
Townsend Harris	99.5	

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* 50/50% Schools

SUMMARY OF PERCENT READING AT OR ABOVE
9TH GRADE LEVEL (1984 - 1985)

Percent Passing	Total Schools in Category	Non-50/50% Schools in Category	50/50% Schools in Category
0 - 9%	3	3	0
10 - 19%	23	23	0
20 - 29%	20	18	2
30 - 39%	17	14	3
40 - 49%	17	8	9
50 - 59%	9	4	5
60 - 69%	2	2	0
70 - 79%	1	1	0
80 - 89%	1	0	1
90 - 99%	1	1	0
0 - 39%	63 (67.0%)	58 (78.4%)	5 (25.0%)
40 - 59%	26 (27.7%)	12 (16.2%)	14 (70.0%)
60 - 89%	5 (5.3%)	4 (5.4%)	1 (5.0%)

Source: Board of Education of the City of New York, High School Division, Reading Scores for Grade 9 & 10, Years 1983-84 through 1985-86, printed April 27, 1987.

EXHIBIT M

PERCENT STUDENTS READING AT OR ABOVE
9TH GRADE LEVEL (1984 - 1985)

Morris	7.8	
James Monroe	8.6	
South Bronx	9.6	
Eastern District	10.3	
Theo. Roosevelt	11.3	
Sarah J. Hale	11.4	
Prospect Heights	11.5	
Thomas Jefferson	11.6	
William H. Taft	11.8	
Boys and Girls	12.5	
George Wingate	12.6	
Erasmus Hall	13.3	
William H. Maxwell	13.6	
Seward Park	13.8	
East New York	14.0	
George Washington	14.1	
Eli Whitney	14.4	
Louis D. Brandeis	15.5	
Jane Addams	16.2	
Grace H. Dodge	16.4	
Bushwick	17.1	
Dewitt Clinton	17.1	
Walton	17.3	
Samuel J. Tilden	19.1	
Automotive	19.4	
Martin Luther King	19.6	
Evander Childs	20.2	
Mabel D. Bacon	20.2	
Samuel Gompers	20.9	
Julia Richman	21.3	
Washington Irving	21.3	
Chelsea	21.5	
Alfred E. Smith	21.7	
Newtown	22.5	
Andrew Jackson	22.9	
Franklin K. Lane	23.1	
Far Rockaway	23.3	
Queens Vocational	24.7	
Lafayette	25.0	*
Flushing	25.5	
John F. Kennedy	25.8	
William Cullen Bryant	26.7	
Park West	27.9	
Adlai Stevenson	28.9	
New Utrecht	29.3	*
John Jay	29.4	
H.S. Graphic Commun. Arts	30.1	
Fort Hamilton	30.2	